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MICHAEL MCCABE, Bar No. 111151  
MICHELLE R. BARRETT, Bar No. 197280  
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Attorneys for Defendants  
HSBC MORTGAGE CORPORATION (USA) AND  
HSBC BANK USA, N.A.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Philip Wong, Frederic Chaussy, and Leslie  
Marie Shearn, individually, on behalf of all  
others similarly situated, and on behalf of  
the general public,

Plaintiffs,

v.

HSBC Mortgage Corporation (USA);  
HSBC Bank USA, N.A.; and DOES 1  
through 50, inclusive,

Defendants.

Case No. C 07 2446 MMC [ECF]

**DECLARATION OF MICHELLE R.  
BARRETT IN SUPPORT OF  
DEFENDANTS' MOTION FOR RULE  
11(C) SANCTIONS**

Date: October 10, 2008  
Time: 9:00 a.m.  
Courtroom: 7 (19th Floor)  
Judge: Hon. Maxine M. Chesney

1 I, MICHELLE BARRETT, declare and state as follows:

2 1. I am an attorney licensed to practice in the State of California and I am a  
3 shareholder in the law firm of Littler Mendelson, attorneys for Defendants in the above-captioned  
4 matter. I have personal knowledge of the matters set forth below, and if called as a witness I could  
5 testify competently to matters contained therein.

6 2. On July 13, 2007, Defendant HSBC Mortgage Corporation received  
7 Plaintiffs' Requests for Production (Set One). Attached hereto as Exhibit A is a true and correct  
8 copy of Plaintiffs' Request for Production (Set One).

9 3. Subsequently Plaintiffs propounded the same Requests for Production upon  
10 Defendant HSBC Bank USA, N.A ("HBUS").

11 4. On April 7, 2008, in response to Plaintiffs' discovery requests, Defendants  
12 produced e-mail communications between Plaintiff Wong and his attorney, Bryan Schwartz  
13 ("Schwartz"), that were discovered on Defendants' e-mail system during its search for responsive  
14 documents.

15 5. Included with Defendants' April 7, 2008 production of documents I sent a  
16 letter to Plaintiffs' counsel, Bryan Schwartz, stating Defendants' position that Plaintiff Wong waived  
17 the attorney-client privilege as to e-mail communications exchanged on the company e-mail system.  
18 Attached hereto as Exhibit B is a true and correct copy of this letter.

19 6. On September 10, 2007, Defendants produced company policies applicable to  
20 Plaintiffs Wong and Chaussy.

21 7. On September 11, 2007, Schwartz referred to these policies during David  
22 Gates' deposition. Attached hereto as Exhibit C is a true and correct copy of an excerpt from David  
23 Gates' deposition on September 11, 2007.

24 8. On January 31, 2008, Defendant HSBC Mortgage Corporation (USA)  
25 propounded requests for production upon Plaintiffs Wong and Chaussy. A true and correct copy of  
26 the Requests propounded upon Plaintiff Wong are attached hereto as Exhibit D.

27 9. Request for Production Nos. 2, 4 and 30 in Exhibit D are the same requests  
28 propounded upon Plaintiff Chaussy.

10. On February 29, 2008 Plaintiffs' provided Responses to Defendant HSBC Mortgage Corporation's Request For Production of Documents. Attached hereto as Exhibit I is a true and correct copy of Plaintiff Wong's Responses. Attached hereto as Exhibit J is a true and correct copy of Plaintiff Chaussy's Responses. Plaintiffs' counsel, Nichols Kaster, attached a letter to Plaintiffs' Responses to Defendant HSBC Mortgage Corporation (USA)'s Request for Production of Documents. The letter included an index of documents produced with Plaintiffs' responses. Attached hereto as Exhibit E is a true and correct copy of the letter.

11. Included with Plaintiff Chaussy's responsive documents were two documents which contain confidential financial information about putative class members.

12. Attached hereto as Exhibit F is a true and correct copy of the e-mail and attachment produced by Plaintiff Chaussy entitled "Status Report By LO" (Bates No. NKA002260-002269) which contains confidential information about third party customers and putative class members. In order to protect the privacy of putative class members, Defendants are filing a Motion For Administrative Relief to file this document under seal.

13. Attached hereto as Exhibit G is a true and correct copy of a document produced by Plaintiff Chaussy and referred to in the letter attached hereto as Exhibit D as "Weekly Production by Offices" (Bates No. NKA001501). In order to protect confidential, proprietary information, Defendants are filing a Motion For Administrative Relief to file this document under seal.


14. Attached hereto as Exhibit H is a true and correct copy of an excerpt from Philip Wong's deposition on November 29, 2007.

15. On May 13, 2008, only after the previous filing of Defendants' Rule 11 Motion for Sanctions, Plaintiffs produced a privilege log on behalf of Plaintiff Wong. Attached hereto as Exhibit K is a true and correct copy of Plaintiff Wong's Privilege Log. This privilege log does not identify year-to-date production information about Wong's own production and his co-workers' production that Wong admits, in a December 28, 2007 e-mail, to faxing to Schwartz. To date, Defendants have not received a privilege log on behalf of Plaintiff Chaussy.

16. Plaintiff Wong submitted a sworn declaration in support of Plaintiffs'

1 Conditional Certification Motion. Attached hereto as Exhibit L is a true and correct copy of Wong's  
2 Declaration.

3 I declare under penalty of perjury under the laws of the State of California that the  
4 foregoing is true and correct. Executed this 5th day of September 2008 at San Francisco, California.

5  
6   
7 MICHELLE R. BARRETT

8 Firmwide:86520490.1 023404.1043  
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# EXHIBIT A

RECEIVED

JUL 13 2007

LITTLER MENDELSON

1 Donald H. Nichols, MN State Bar No. 78918  
(admitted pro hac vice)  
2 Paul J. Lukas, MN State Bar No. 22084X  
(admitted pro hac vice)  
3 Matthew C. Helland, MN State Bar No. 346214  
(admitted pro hac vice)  
4 NICHOLS KASTER & ANDERSON, PLLP  
4600 IDS Center  
5 80 S. 8<sup>th</sup> Street  
Minneapolis, MN 55402

6 Bryan J. Schwartz, CA State Bar No. 209903  
NICHOLS KASTER & ANDERSON, LLP  
7 One Embarcadero Center, Ste. 720  
San Francisco, CA 94111

8 Attorneys for Individual and Representative Plaintiffs  
9

10 IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
11

12 Philip Wong, Frederic Chaussy, and Leslie  
Marie Shearn, individually, on behalf of all  
13 others similarly situated, and on behalf of  
the general public,

14 Plaintiffs,

15 vs.

16 HSBC Mortgage Corporation (USA);  
17 HSBC Bank USA, N.A.; and DOES 1  
through 50, inclusive,

18 Defendants.  
19  
20

Case No.: 3:07-cv-2446

PLAINTIFFS' REQUESTS FOR  
PRODUCTION, SET I

21 PLEASE TAKE NOTICE that, pursuant to Rule 34 of the Federal Rules of Civil  
22 Procedure, Plaintiffs hereby requests that within thirty (30) days after service of this request,  
23 Defendant shall produce and permit Plaintiffs to inspect and copy all of the following documents  
24 and things at the offices of Nichols Kaster & Anderson, One Embarcadero Center, Suite 720, San  
25 Francisco, CA 94111.  
26

27 The Defendant shall also serve a written response within thirty (30) days after service of  
28 the request, which response shall state the manner in which Defendant will cooperate with the

PLAINTIFFS' REQUEST FOR PRODUCTION, SET I

1 inspection, copying and related activities as to each category of documents and things requested.

2 **INSTRUCTIONS**

3 1. This request seeks all specified documents in the actual or constructive possession,  
4 custody, and/or control of Defendant, the Defendant's attorneys and/or agents, or which are  
5 believed by Defendant, Defendant's attorney(s) and/or agents to exist or previously to have  
6 existed.  
7

8 2. This request is expressly made continuing, requiring additional and supplemental  
9 responses when additional documents and/or things come into the possession custody or control  
10 of Defendant, Defendant's attorney(s) and/or agents until the instant action is finally terminated.  
11 Defendant must continue to supplement its responses to these requests even after the discovery  
12 period in this case closes and even if persons continue to consent to join this action after the  
13 discovery period ends.  
14

15 3. Should Defendant deem any documents and things within the scope of this request  
16 to be privileged, Defendant is requested to list such documents or things and to identify them by  
17 designation of the type of document or thing, the date thereof, the name or names of the originator  
18 thereof, the name of the addressee, the number of pages or other units, to state the present  
19 custodian and location of the document or thing and to state the specific grounds on which the  
20 claim of privilege rests in order that Defendant may have a factual basis to determine whether,  
21 and the basis upon which, to present the asserted privilege to the Court.  
22

23 4. Should the Defendant object to any request, Defendant is requested to specifically  
24 and in detail state the grounds and reasons for the objection, and to state in detail the part of  
25 language of the rest to which Defendant objects, and state which part of the request, if any,  
26 Defendant is answering.

27 5. Objection shall be made at trial to introduction of evidence requested by this  
28

1 Demand for Production but not provided.

2 6. If the document or thing requested herein has been destroyed or discarded or  
3 otherwise disposed of, Defendant shall set forth in the written response a description of each such  
4 document or thing, including its contents, author, or addressee, date of disposal, manner of  
5 disposal, reason for disposal, and person disposing of the document or thing.  
6

7 7. Defendant may attach a copy of a document of the written response, but the  
8 original, if it is in Defendant's, Defendant's attorneys and/or agent(s)' possession, custody, or  
9 control must be available for inspection.

10 **DEFINITIONS**

11 1. "Statutory period" means from May 7, 2001 to present for all Plaintiffs ever  
12 employed in New York, from May 7, 2003 to present for all Plaintiffs ever employed in  
13 California, and from May 7, 2004 to present for all Plaintiffs employed outside of New York or  
14 California.  
15

16 2. "Defendant," "You," or "Your" means HSBC Mortgage Corporation (USA), its  
17 subsidiaries, affiliates, officers, directors, managers, agents, and employees.

18 3. "Document," "documents," and "things" shall mean all documents and tangible  
19 things, including, but not limited to, all written, printed, typed, recorded, graphic, or symbolic  
20 matter of every type and description, however, and by whomever prepared, produced, reproduced,  
21 disseminated, or made, in any form, including, but not limited to, all statements, writings, letters,  
22 minutes, correspondence, e-mails, telegrams, bulletins, instructions, charts, literature, work  
23 assignments, reports, memoranda, notations, notes of telephone or personal conversations or  
24 conferences, contracts, agreements, interoffice communications, notes, notebooks, drafts,  
25 microfilm, circulars, pamphlets, studies, notices, summaries, reports, books, graphs, photographs,  
26 data sheets, data compilations, computer data sheets, computer data compilations from which  
27  
28



1 information can be obtained or can be translated through detection devices into reasonable usable  
2 form, and any other document and thing.

3 4. "Excel format" means documents in "Microsoft Excel" file types, with file  
4 extension ".xls," with tab-separated columns reflecting identified and identifiable data fields.

5 5. "Statement" shall have the same definition as set forth in the second paragraph of  
6 Rule 26 of the Federal Rules of Civil Procedure and includes, but is not limited to, a written  
7 statement or signed or otherwise adopted or approved by the person making it, and/or a  
8 stenographic, mechanical, electrical and/or other recording or transcription thereof, which is  
9 substantially verbatim recital of an oral statement by the person making it.

10 6. "Relating to" means having any connection with the topic of the request of having  
11 some logical or casual connection between the information and the topic of the request whether  
12 the document contains a direct reference to the topic of the request or simply describes or  
13 identifies the topic.

14 7. "Plaintiffs" means all persons identified as Plaintiffs in the caption and all persons  
15 who have filed consent forms in this matter, including persons who file consent forms to join this  
16 matter after the discovery period in this case closes.

17 8. "Personnel File" means all employee records maintained by Defendant's human  
18 resource department or other corporate office, and all documents relating the employee  
19 maintained by his/her supervisor, co-employee, or other person.

#### 20 REQUESTS FOR PRODUCTION

21 1. A list, in Excel format, of all persons employed by Defendant as Senior Retail  
22 Mortgage Lending Consultants, Retail Mortgage Lending Consultants, Senior Field  
23 Administrators, and/or Field Administrators at any of Defendant's locations within the applicable  
24 statutory period, including for each his/her name, address, telephone number, dates of  
25

1 employment as a Senior Retail Mortgage Lending Consultants, Retail Mortgage Lending  
2 Consultants, Senior Field Administrators, and/or Field Administrators, location of employment,  
3 employee number, and last four digits of their social security number. For this Request, the  
4 relevant statutory period begins six years prior to the date of the filing of this complaint for New  
5 York employees, four years for California employees, and three years elsewhere, and continues  
6 until the present.  
7

8 2. Plaintiffs' personnel files.

9 3. A list, in Excel format, of all persons employed by Defendant at the locations in  
10 which Plaintiffs worked, including for each his/her name, address, telephone number, job title,  
11 dates of employment, location of employment, and current employment status.  
12

13 4. A list, in Excel format, of all persons employed by Defendant responsible for  
14 directly supervising Senior Retail Mortgage Lending Consultants, Retail Mortgage Lending  
15 Consultants, Senior Field Administrators, and/or Field Administrators during the applicable  
16 statutory period, including for each his/her name, address, telephone number, job title, dates of  
17 employment in that position, location managed, and current employment status.

18 5. A list, in Excel format, of all persons employed by Defendant responsible for  
19 directly supervising, during the statutory period, those deemed responsible for supervising Senior  
20 Retail Mortgage Lending Consultants, Retail Mortgage Lending Consultants, Senior Field  
21 Administrators, and/or Field Administrators identified in Interrogatory No. 4 above, including for  
22 each his/her name, address, telephone number, job title, dates of employment in that position, area  
23 or region managed, and current employment status.  
24

25 6. All documents that identify or describe Defendant's hierarchical structure, during  
26 the applicable statutory period, including but not limited to its divisions or departments, the job  
27 titles within the structure, and the persons holding board, officer, and management positions  
28

1 within the structure.

2 7. All compensation plans and other documents relating to Defendant's policies,  
3 procedures, or methods of compensating Senior Retail Mortgage Lending Consultants, Retail  
4 Mortgage Lending Consultants, Senior Field Administrators, and Field Administrators during the  
5 applicable statutory period.  
6

7 8. All documents relating to any changes in Defendant's policies, procedures or  
8 methods of paying Senior Retail Mortgage Lending Consultants, Retail Mortgage Lending  
9 Consultants, Senior Field Administrators, and Field Administrators in the last six years.

10 9. All records, in Excel format, of compensation paid to Plaintiffs during the  
11 applicable statutory period, per week and per pay period.  
12

13 10. All documents containing, identifying or describing all communications between  
14 Defendant and Plaintiffs relating to their compensation, hours of work, and overtime.

15 11. All timesheets or other documents identifying or describing the hours worked by  
16 Plaintiffs during the statutory period.

17 12. All schedules or other documents identifying or describing the anticipated  
18 schedules to be worked by Plaintiffs during the statutory period.

19 13. All phone logs, records, bills, or other documents identifying or describing the date  
20 and time of Plaintiffs' telephone activity during the statutory period.  
21

22 14. All computer logs, records, reports or other documents demonstrating the starting  
23 and ending times of Plaintiffs' computer activity during each day of the statutory period.

24 15. All email or other electronic messages sent to or from Plaintiffs through  
25 Defendant's email or computer systems regarding or in any way relating to their hours worked,  
26 overtime, and meals and rest periods during the applicable statutory period.

27 16. All emails or other electronic messages sent to or from Plaintiffs' supervisors  
28

1 through Defendant's email or computer systems during the statutory period regarding or in any  
2 way relating to Senior Retail Mortgage Lending Consultants', Retail Mortgage Lending  
3 Consultants', Senior Field Administrators', and/or Field Administrators' hours worked, overtime,  
4 and meals and rest periods during the applicable statutory period.

5  
6 17. All time-stamped documents, including closing documents, security logs, faxes, or  
7 other documents that provide an identifiable time for the beginning and ending of work-related  
8 activity by Plaintiffs that have not been identified and produced in connection with Interrogatories  
9 Nos. 12-16.

10 18. All official, published job descriptions identifying or describing the job duties and  
11 responsibilities of any non-management positions (i.e., employees who, on a day-to-day basis, are  
12 not expected to spend greater than 50% of their time engaged in the management of other  
13 employees) during the applicable statutory period.

14  
15 19. All job postings, advertisements, or other vacancy listings identifying and  
16 describing the Senior Retail Mortgage Lending Consultant, Retail Mortgage Lending Consultant,  
17 Senior Field Administrator, and/or Field Administrator positions during the applicable statutory  
18 period.

19 20. All orientation materials provided to Plaintiffs upon their hire.

20 21. All training materials provided to Plaintiffs during their employment.

21 22. All policy, procedure or employee rules, handbooks, or manuals in effect and  
22 applicable to Plaintiffs during the statutory period.

23  
24 23. All documents used generally by Senior Retail Mortgage Lending Consultants,  
25 Retail Mortgage Lending Consultants, Senior Field Administrators, and Field Administrators in  
26 the performance of their jobs, including any standard manuals, charts, graphs, matrixes,  
27 instructions, directions, rules, policies, or procedures.

1       24. All documents that rank or otherwise compare or contrast Senior Retail Mortgage  
2 Lending Consultants', Retail Mortgage Lending Consultants', Senior Field Administrators',  
3 and/or Field Administrators' performance within each location, area, region or nationally.

4       25. All documents relating to Defendant's decision not to pay Senior Retail Mortgage  
5 Lending Consultants, Retail Mortgage Lending Consultants, Senior Field Administrators, and/or  
6 Field Administrators overtime compensation.

7       26. All documents that identify or describe all efforts taken by Defendant to comply  
8 with the Fair Labor Standards Act and other state wage and hour laws relating to overtime  
9 compensation.

10       27. All documents that identify, describe, or relate to any claim that Defendant's  
11 method of compensating Senior Retail Mortgage Lending Consultants, Retail Mortgage Lending  
12 Consultants, Senior Field Administrators, and Field Administrators was performed with a good  
13 faith reasonable belief that it was complying with the Fair Labor Standards Act and other state  
14 wage and hour laws relating to overtime compensation.

15       28. All documents that identify, describe or relate to any claim made by Defendant  
16 that it relied on attorney advice for any claim that their method of compensating Senior Retail  
17 Mortgage Lending Consultants, Retail Mortgage Lending Consultants, Senior Field  
18 Administrators, and Field Administrators was performed with a good faith reasonable belief that  
19 it was complying with the Fair Labor Standards Act and other state wage and hour laws relating  
20 to overtime compensation.

21       29. All documents relating to oral or written complaints or inquiries by any Senior  
22 Retail Mortgage Lending Consultants, Retail Mortgage Lending Consultants, Senior Field  
23 Administrators, and Field Administrators regarding Defendant's methods of compensation during  
24 the last ten years.

1           30. All documents relating to oral or written complaints or inquiries, lawsuits or  
2 administrative filings made by any Senior Retail Mortgage Lending Consultants, Retail Mortgage  
3 Lending Consultants, Senior Field Administrators, and Field Administrators regarding  
4 Defendant's methods of compensation during the last ten years.

5  
6           31. All documents relating to any contact between Defendant and the Department of  
7 Labor or any other federal or state government agency regarding Defendant's compensation  
8 practices during the last ten years.

9           32. All documents containing, identifying or describing all communications between  
10 Defendant and any Senior Retail Mortgage Lending Consultants, Retail Mortgage Lending  
11 Consultants, Senior Field Administrators, and/or Field Administrators relating to this lawsuit.

12           33. All documents that may be offered into evidence at trial or depositions or may be  
13 used to refresh the recollection of a witness at depositions or trial.

14           34. All statements of witnesses or potential witnesses or persons interviewed in  
15 connection with this case.

16           35. All documents relied upon or reviewed by Defendant's expert witnesses in  
17 forming his/her opinions in this matter.

18           36. All documents obtained as a result of releases and/or subpoenas relating to this  
19 case.

20           37. All documents not produced in response to prior Requests containing guidance  
21 provided during the statutory period to Senior Retail Mortgage Lending Consultants, Retail  
22 Mortgage Lending Consultants, Senior Field Administrators, and/or Field Administrators  
23 regarding the taking of meal breaks.

24           38. All documents not produced in response to prior Requests containing guidance  
25 provided during the statutory period to Senior Retail Mortgage Lending Consultants, Retail  
26

1 Mortgage Lending Consultants, Senior Field Administrators, and/or Field Administrators  
2 regarding the taking of rest periods.

3 39. All documents not produced in response to prior Requests containing guidance  
4 provided during the statutory period to Senior Retail Mortgage Lending Consultants, Retail  
5 Mortgage Lending Consultants, Senior Field Administrators, and/or Field Administrators  
6 regarding compensation for missed or interrupted rest periods.

7 40. All documents not produced in response to prior Requests containing guidance  
8 provided during the statutory period to Senior Retail Mortgage Lending Consultants, Retail  
9 Mortgage Lending Consultants, Senior Field Administrators, and/or Field Administrators  
10 regarding the taking of rest periods.

11 41. All documents not produced in response to prior Requests containing guidance  
12 provided during the statutory period to Senior Retail Mortgage Lending Consultants, Retail  
13 Mortgage Lending Consultants, Senior Field Administrators, and/or Field Administrators  
14 regarding compensation for missed rest periods.

15 42. All documents not produced in response to prior Requests containing guidance  
16 provided during the statutory period to Senior Retail Mortgage Lending Consultants, Retail  
17 Mortgage Lending Consultants, Senior Field Administrators, and/or Field Administrators  
18 regarding compensation for overtime.

19 July 11, 2007

20 NICHOLS KASTER & ANDERSON, LLP

21 /s/

22 Bryan J. Schwartz, CA State Bar No. 209903  
23 NICHOLS KASTER & ANDERSON, LLP  
24 One Embarcadero Center  
25 Ste. 720  
26 San Francisco, CA 94111

27 Attorneys for Individual and Representative  
28 Plaintiffs

# EXHIBIT B





April 7, 2008

Michelle R. Barrett  
Direct: 415.677.4089  
Direct Fax: 415.743.6618  
mbarrett@littler.com

**VIA HAND DELIVERY AND PDF**

Bryan J. Schwartz, Esq.  
Nichols Kaster & Anderson, LLP  
One Embarcadero Center, Suite 720  
San Francisco, CA 94111

Re: **Philip Wong, et al. v. HSBC Mortgage Corp., et al.**  
**USDC Action No. C 07-2446 MMC**  
*Defendant HSBC Mortgage Corporation (USA)'s Production of Document*  
*MORT003265-4140*

*Defendant HSBC Mortgage Corporation (USA)'s Request for Production of*  
*Documents to Plaintiff Wong, Set 2*

Dear Bryan:

Enclosed please find additional documents (MORT003265-4140) being produced by Defendant HSBC Mortgage Corporation (USA)'s (hereinafter "HMCU") in this matter.

Please note that included as part of HMCU's document production are e-mails marked MORT003658-3660, 3710-3713, and 3736-3737. In addition, an Email Policy (MORT001587-1598) was included with the previous set of documents produced to Plaintiffs on April 1. Under the terms of the Email Policy, which applied to the individuals who were employed by HMCU and used HMCU's email systems as of February 16, 2007, company email may be monitored and any personal use of company e-mail will not be considered private. Further, please also note that per the terms of the "Electronic Monitoring Policy", which has been produced previously in this action and of which Plaintiff Wong has acknowledged receipt, reading, and understanding (see MORT000117 and 120), employees have no expectation of a right of privacy when using company e-mail.

Given Plaintiff's Wong's knowledge of the policy and acknowledgment of his understanding and agreement to abide by this policy, it is clear that Plaintiff Wong has waived the attorney-client privilege with regard to communications with you via his employer's e-mail system. Further, in reviewing Plaintiff Wong's e-mail messages, it is also clear that Plaintiff Wong has also waived the attorney-client privilege by forwarding a chain of messages between himself and you to other

THE NATIONAL EMPLOYMENT & LABOR LAW FIRM <sup>SM</sup>

650 California Street, 20th Floor, San Francisco, California 94108.2693 Tel: 415.433.1940 Fax: 415.399.8490 www.litlder.com

ALABAMA  
N

ARIZONA

ARKANSAS

CALIFORNIA

COLORADO

CONNECTICUT

DISTRICT OF  
COLUMBIA

FLORIDA

GEORGIA

ILLINOIS

INDIANA

MASSACHUSETTS

MINNESOTA

MISSOURI

NEVADA

NEW JERSEY

NEW YORK

NORTH CAROLINA

OHIO

OREGON

PENNSYLVANIA

RHODE ISLAND

SOUTH CAROLINA

TEXAS

VIRGINIA

WASHINGTON

Bryan J. Schwartz, Esq.  
April 7, 2008  
Page 2

individuals who were not represented by your firm at the time the chain of messages was sent. See MORT003658-3660, 3710-3713, and 3736-3737.

Please be advised that due to your client's waiver of the privilege, HMCU is seeking all written communications between Plaintiff Wong and your firm through the enclosed Request for Production of Documents. Further, HMCU will conduct a further search of its e-mail system to determine what other e-mail messages may have been sent by your firm to any other HMCU employees.

Very truly yours,



Michelle R. Barrett

MRB  
Enclosures

Firmwide:84784878.1 023404.1043

# EXHIBIT C

1

IN THE UNITED STATES DISTRICT COURT

RECEIVED

NORTHERN DISTRICT OF CALIFORNIA

SEP 07 2007

PHILIP WONG, FREDERICK CHAUSSY, )

LITTLER MENDELSON

and LESLIE MARIE SHEARN, )

individually, on behalf of all ) Case No. 07-2446

others similarly situated, and )

on behalf of the general public )

Plaintiffs, )

vs. )

COPY

HSBC MORTGAGE CORPORATION )

(USA), )

Defendants. )

The videographic deposition of DAVID  
GATES, called for examination pursuant to the Rules  
of Civil Procedure for the United States District  
Courts pertaining to the taking of depositions,  
taken before GINA M. LUORDO, a notary public within  
and for the County of Cook and State of Illinois,  
at 200 North LaSalle Street, Illinois, on the 11th  
day of September, 2007, at the hour of 9:02 a.m.

Reported by: Gina M. Luordo, CSR, RPR, CRR

License No.: 084-004143

David Gates 30(b)(6) 9/11/2007  
Phillip Wong, et al. v. HSBC Mortgage Corporation, et al.

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1 A. Not that I'm aware of.

2 Q. You've got to let me finish.

3 A. I'm sorry.

4 Q. Are there any -- apart from automating the  
5 time cards, have there been any changes that have  
6 occurred in the time-keeping system that's applied  
7 to sales assistants since you've been at HSBC  
8 Mortgage Corp.?

9 A. Not that I'm aware of.

10 Q. I'm going to show you a document. I don't  
11 have copies of this document because it's a big  
12 book, but I'm happy to show it to counsel, which is  
13 a binder that says HSBC North America employee  
14 handbook. And my question to you is just going to  
15 be is this -- when you referenced the employee  
16 handbook, is this essentially what you were  
17 referring to, and are you aware of any major  
18 changes in this document that occurred? I'll show  
19 it to counsel first.

20 MS. BARRETT: Is there a date somewhere on  
21 here?

22 MR. SCHWARTZ: There may be, presumably,  
23 somewhere.

24 THE WITNESS: Who's the picture of? It will  
25 tell you how old it is. Who's the picture?

David Gates 30(b)(6) 9/11/2007

Phillip Wong, et al. v. HSBC Mortgage Corporation, et al.

137

1 MS. BARRETT: Bobby Mehta.

2 THE WITNESS: That might be a finance company  
3 document, or it might be -- no, it's North America,  
4 so no. Most of this is online now. This is --  
5 most of this is online, the most current version.  
6 It's within our connect EHR process, so yes. I  
7 don't know the date, so -- but a lot of this data,  
8 because it talks about connect in here, benefits  
9 career opportunities, your business unit, this is  
10 all pretty standard.

11 BY MR. SCHWARTZ:

12 Q. So that document is similar to what the --  
13 employee handbook that people receive now except  
14 that now a lot of that information is available  
15 online?

16 A. Correct.

17 Q. And it's still -- the employee handbook is  
18 still a document that's generated for all HSBC  
19 North America?

20 A. Yes. It's online, though, but yes.  
21 There's more detail than this because the benefits  
22 and stuff like that have all been updated because  
23 we change insurers all the time, and policies do  
24 change, you know, just days off and stuff like  
25 that.

1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )

4 I, GINA M. LUORDO, a notary public within  
5 and for the County of Cook County and State of  
6 Illinois, do hereby certify that heretofore,  
7 to-wit, on September 11, 2007, personally appeared  
8 before me, at 200 North LaSalle Street, Chicago,  
9 Illinois, DAVID GATES, in a cause now pending and  
10 undetermined in the United States District Court of  
11 the Northern District of California, wherein PHILIP  
12 WONG, et al. are the Plaintiffs, and HSBC MORTGAGE  
13 CORPORATION (USA), et al. are the Defendants.

14 I further certify that the said DAVID  
15 GATES was first duly sworn to testify the truth,  
16 the whole truth and nothing but the truth in the  
17 cause aforesaid; that the testimony then given by  
18 said witness was reported stenographically by me in  
19 the presence of the said witness, and afterwards  
20 reduced to typewriting by Computer-Aided  
21 Transcription, and the foregoing is a true and  
22 correct transcript of the testimony so given by  
23 said witness as aforesaid.

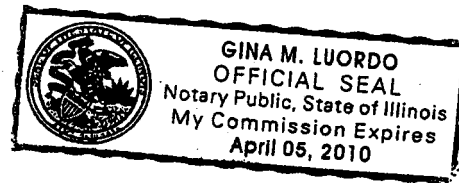
24 I further certify that the signature to  
25 the foregoing deposition was not waived by counsel

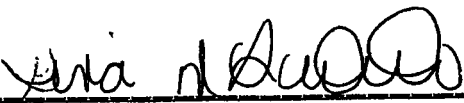
1 for the respective parties.

2 I further certify that the taking of this  
3 deposition was pursuant to notice and that there  
4 were present at the deposition the attorneys  
5 hereinbefore mentioned.

6 I further certify that I am not counsel  
7 for nor in any way related to the parties to this  
8 suit, nor am I in any way interested in the outcome  
9 thereof.

10 IN TESTIMONY WHEREOF: I have hereunto set  
11 my hand and affixed my notarial seal this 26th day  
12 of September, 2007.



13  
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18 NOTARY PUBLIC, COOK COUNTY, ILLINOIS  
19 LIC. NO. 084-004143  
20  
21  
22  
23  
24  
25



# EXHIBIT D

1 GEORGE J. TICHY, II, Bar No. 041146  
MICHELLE R. BARRETT, Bar No. 197280  
2 KIMBERLY L. OWENS, Bar No. 233185  
JUSTIN T. CURLEY, Bar No. 233287  
3 LITTLER MENDELSON  
A Professional Corporation  
4 650 California Street, 20th Floor  
San Francisco, CA 94108.2693  
5 Telephone: 415.433.1940  
Facsimile: 415.399.8490  
6 E-mail: gtichy@littler.com, mbarrett@littler.com,  
kowens@littler.com, jcurley@littler.com

7 Attorneys for Defendants  
8 HSBC MORTGAGE CORPORATION (USA) AND  
HSBC BANK USA, N.A.  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 Philip Wong, Frederic Chaussy, and Leslie  
Marie Shearn, individually, on behalf of all  
14 others similarly situated, and on behalf of  
the general public,

15 Plaintiffs,

16 v.

17 HSBC Mortgage Corporation (USA);  
18 HSBC Bank USA, N.A.; and DOES 1  
through 50, inclusive,

19 Defendants.  
20  
21  
22  
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28

Case No. C 07 2446 MMC [ECF]

**DEFENDANT HSBC MORTGAGE  
CORPORATION (USA)'S REQUEST FOR  
PRODUCTION OF DOCUMENTS TO  
PLAINTIFF PHILIP WONG**

1 PROPOUNDING PARTY: Defendant HSBC MORTGAGE CORPORATION (USA)

2 RESPONDING PARTY: Plaintiff PHILIP WONG

3 SET NUMBER: One (1)

4 TO: PLAINTIFF AND HIS ATTORNEYS OF RECORD

5 Defendant HSBC MORTGAGE CORPORATION (USA) ("HMCU") hereby requests,  
6 pursuant to Federal Rule of Civil Procedure 34, that you produce and permit inspection and copying  
7 of the documents described below. The inspection shall be at the offices of Littler Mendelson, A  
8 Professional Corporation, 650 California St., 20th Floor, San Francisco, California, 94108, within 30  
9 days of service of this request and continuing as long as reasonably required.

10 **DEFINITIONS**

11 A. "HMCU" shall refer to Defendant HSBC Mortgage Corporation (USA).

12 B. "HBUS" shall refer to Defendant HSBC Bank USA, N.A.

13 C. "Plaintiff," "You" or "Your" refers to Plaintiff Philip Wong and/or his attorneys,  
14 agents, and all persons acting under his direction or control or on his behalf.

15 D. "First Amended Complaint" shall refer to the First Amended Complaint filed in the  
16 case, Philip Wong, Frederic Chaussy, and Leslie Marie Shearn v. HSBC Mortgage Corporation  
17 (USA) and HSBC Bank USA, N.A., United States District Court for the Northern District of  
18 California Case No. C 07 2446 MMC [ECF].

19 E. "Class Members" shall refer to the class(es) of employees defined by Plaintiff in the  
20 First Amended Complaint.

21 F. "Collective Class" shall refer to the class(es) of employees defined by Plaintiff in the  
22 First Amended Complaint.

23 G. Whenever it is necessary to bring within the scope of this document request  
24 (hereinafter the "Request") documents that might otherwise be construed to be outside its scope:

25 1. The words "and" and "or" shall be construed both disjunctively and  
26 conjunctively;

27 2. The words "any" and "all" shall be construed to mean "any and all";

28 3. The singular shall include the plural, and vice versa;

1           4.     The words "include(s)" and "including" shall be construed to mean without  
2 limitation"; and

3           5.     Any feminine pronoun shall be deemed to include the masculine or the neuter,  
4 and vice versa, as may be appropriate.

5           H.     The terms "documents" and "writings" are synonymous and are defined as follows:

6                 1.     Each includes "writings" as defined in Federal Rules of Evidence 1001;

7                 2.     Each includes all written or graphic matter, however produced or reproduced,  
8 of any nature whatsoever within the possession, custody or control of Plaintiff, including, but not  
9 limited to, all written, typed, printed, microfilmed, and photostatic matter, copies of all kinds,  
10 regardless of origin, including all correspondence, contracts, agreements, memoranda, reports,  
11 financial reports and statements, checks, notes, letters, trade letters, marginal notations, telegrams,  
12 messages (including tape recordings, reports from telephone conversations and conferences),  
13 calendars, electronic mail, analyses, comparisons, demands, data, schedules, recordings, papers, data  
14 sheets, publications, books, magazines, newspapers, booklets, circulars, brochures, bulletins, notices,  
15 instructions, drafts, notebooks, diaries, sketches, diagrams, forms, manuals, lists, minutes, and other  
16 communications including inter-office and intra-office communications, surveys, photographs,  
17 drawings, charts, notes of meetings, conversations, records of conversations, records, work papers,  
18 balance sheets, profit and loss statements, statements of earnings, checks, statements of net worth,  
19 statements of operation, auditor reports, financial reports and summaries, statements of lists of  
20 assets, agreements, contracts, expense records, opinions, legal opinions, expert opinions, accounts  
21 payable ledgers, accounts receivable ledgers, appraisals, audit work papers, minutes of meetings,  
22 consultations, performance evaluations, warnings, disciplinary actions, recorded or photographic  
23 matter or sound reproductions, including video and audio tapes, however produced or reproduced,  
24 and any other such materials, whether executed or unexecuted, and any municipal, county, state,  
25 federal or other governmental ordinances, laws, or statutes.

26           I.     The term "possession, custody or control" is defined as follows: A document is  
27 deemed to be in Plaintiff's possession, custody or control if it is in his physical custody, or if it is in  
28 the physical custody of any other person and he: (a) owns such document in whole or in part; (b) has

1 a right by contract, statute or otherwise to use, inspect, examine or copy such document on any  
 2 terms; (c) has an understanding, express or implied, that he may use, inspect, examine or copy such  
 3 document on any terms; or (d) has, as a practical matter, been able to use, inspect, examine or copy  
 4 such document when he has sought to do so. Such documents shall include without limitation  
 5 documents that are in the custody of Plaintiff's attorney(s) or other agents.

### 6 INSTRUCTIONS

7 A. This demand requires that you identify and produce all writings responsive to any of  
 8 the following numbered requests which are in your possession, custody or control or subject to your  
 9 control, wherever they may be located. The writings which you must identify and produce include  
 10 not only writings which you presently possess, but also writings which are in the possession or  
 11 control of your attorneys, accountants, bookkeepers, employees, representatives, or anyone else  
 12 acting on your behalf.

13 B. You are requested to produce all writings which are responsive to any of the  
 14 following numbered demands for inspection and photocopying at the law offices of Littler  
 15 Mendelson, 650 California Street, 20th Floor, San Francisco, California 94108 at 10:00 a.m. on or  
 16 before the thirtieth day following the date of service of this demand (or the next business day if that  
 17 day falls on a Saturday, Sunday or court holiday), unless true, legible copies of said documents are  
 18 mailed for receipt at that law office by the time stated, together with a signed statement indicating  
 19 that the original of the documents may be inspected by counsel for HMCU upon reasonable request.

20 C. In addition to producing all writings which are responsive to any of the following  
 21 numbered demands, you are also requested to identify with specificity each writing which is  
 22 responsive to any of the following numbered demands and indicate which writings are responsive to  
 23 each numbered demand.

24 D. All documents which are responsive in whole or in part to any of the following  
 25 numbered demands shall be produced in full, without abridgment, abbreviation or expurgation of  
 26 any sort. If any such writings cannot be produced in full, produce the writing to the greatest extent  
 27 possible and indicate in your written response what portion of the document is not produced and why  
 28 it could not be produced.

1 E. You are required to produce not only the original or an exact copy of the original of  
 2 all writings responsive to any of the following numbered demands, but also all copies of such  
 3 writings which bear any notes or markings not found on the originals and all preliminary,  
 4 intermediate, final and revised drafts of said writings.

5 F. It is not intended that this demand require production of any writings which are  
 6 privileged. If you are not producing any writing responsive to any of the numbered demands below  
 7 on the basis of a claimed privilege, or for any other reason, state the following information:

- 8 1. the type of document;
- 9 2. its date;
- 10 3. the name, business address and present position of its originator(s) or  
 11 author(s);
- 12 4. the position to its originator(s) or author(s) at the time the document was  
 13 prepared;
- 14 5. the names, business addresses and present position of each recipient of the  
 15 document;
- 16 6. the position of each recipient at the time the document was prepared, and the  
 17 time it was received;
- 18 7. a general description of the subject matter of the document;
- 19 8. the basis of any claim of privilege; and
- 20 9. if work-product immunity is asserted, the proceeding for which the document  
 21 was prepared.

22 G. Unless otherwise specified, these Requests for Production of Documents require you  
 23 to provide a response and produce documents covering the entire period of your employment by  
 24 HMCU, including from the date of your hire through the date that you are required to provide  
 25 responses to these Requests for Production of Documents and continuing so as to require further and  
 26 supplemental production by Plaintiff.

27 //

28 //

**REQUESTS FOR PRODUCTION****REQUEST FOR PRODUCTION NO. 1:**

All documents which relate to, refer to, show, or reflect communications, oral or written, including, without limitation, policies, procedures, handbooks, memoranda, grievances, applications, postings, complaints, wage information, benefits information and work schedules, between Plaintiff and HMCU, regarding the subject matter of the First Amended Complaint.

**REQUEST FOR PRODUCTION NO. 2:**

All documents and things acquired or received by Plaintiff by virtue of Plaintiff's employment with HMCU including, without limitation, all books, records, files, or data downloaded by Plaintiff from any desktop, personal, portable, or mainframe computer and any abstracts, copies, or summaries thereof.

**REQUEST FOR PRODUCTION NO. 3:**

All documents and things created by Plaintiff in connection with Plaintiff's employment with HMCU, including but without limitation any memoranda, charts, reports, summaries, spreadsheets, electronic mail messages, or other documents created by Plaintiff to be used to present information to prospective clients or customers or existing clients or customers.

**REQUEST FOR PRODUCTION NO. 4:**

All documents and things Plaintiff has removed from HMCU's premises.

**REQUEST FOR PRODUCTION NO. 5:**

Any and all documents that relate to, refer to, show, or reflect the hours Plaintiff has worked each and every day during his employment with HMCU.

**REQUEST FOR PRODUCTION NO. 6:**

All documents that relate to, refer to, show, or reflect the days Plaintiff has worked during his employment with HMCU, including, but without limitation, any and all documents that describe the exact hours of work for each such day, any time taken for breakfasts, lunches, dinners, smoking, attending to personal issues or tasks that are not or were not work related, meal periods, break periods or rest periods.

//



**REQUEST FOR PRODUCTION NO. 7:**

All documents that relate to, refer to, show, or reflect the weeks of the year(s) Plaintiff has worked during his employment with HMCU, including, but without limitation, any and all documents that describe the exact hours of work for each such week, any time taken for breakfasts, lunches, dinners, smoking, attending to personal issues or tasks that are not or were not work related, meal periods, break periods or rest periods.

**REQUEST FOR PRODUCTION NO. 8:**

All documents that relate to, refer to, show, or reflect the months of the year(s) Plaintiff has worked during his employment with HMCU, including, but without limitation, any and all documents that describe the exact hours of work for each such month, any time taken for breakfasts, lunches, dinners, smoking, attending to personal issues or tasks that are not or were not work related, meal periods, break periods or rest periods.

**REQUEST FOR PRODUCTION NO. 9:**

Any and all documents reflecting Plaintiff's work assignments and/or assigned duties during his employment with HMCU.

**REQUEST FOR PRODUCTION NO. 10:**

All documents that relate to, refer to, show, or reflect job duties actually performed by Plaintiff while employed by HMCU.

**REQUEST FOR PRODUCTION NO. 11:**

All electronic mail sent by Plaintiff, including, but without limitation, electronic mail sent from any personal electronic mail accounts, between the hours of 6:00 a.m. to 8:00 p.m., Monday through Friday, at any time during Plaintiff's employment with HMCU.

**REQUEST FOR PRODUCTION NO. 12:**

All electronic mail sent by Plaintiff, including, but without limitation, electronic mail sent from any personal electronic mail accounts, between the hours of 9:00 a.m. to 4:00 p.m. on Saturdays at any time during Plaintiff's employment with HMCU.

**REQUEST FOR PRODUCTION NO. 13:**

All documents that relate to, refer to, show, or reflect Plaintiff's communications with



1 international based clients at any time during Plaintiff's employment with HMCU.

2 **REQUEST FOR PRODUCTION NO. 14:**

3 All documents that relate to, refer to, show, or reflect an evaluation of Plaintiff's job  
4 performance while employed by HMCU.

5 **REQUEST FOR PRODUCTION NO. 15:**

6 All documents that relate to, refer to, show, or reflect policies and/or procedures related the  
7 position(s) Plaintiff holds or held while employed by HMCU.

8 **REQUEST FOR PRODUCTION NO. 16:**

9 All documents that relate to, refer to, show or reflect training for the position(s) Plaintiff  
10 holds or held while employed by HMCU.

11 **REQUEST FOR PRODUCTION NO. 17:**

12 All documents, including but not limited to pay records, pay checks, pay stubs, IRS W-2  
13 forms, memos, letters, and/or tax returns, that relate to, refer to, show, or reflect the wages, including  
14 commissions, promised, earned or paid to Plaintiff while employed by HMCU.

15 **REQUEST FOR PRODUCTION NO. 18:**

16 All documents, including but not limited to pay records, pay checks, pay stubs, IRS W-2  
17 forms, memos, letters, and/or tax returns, that relate to, refer to, show, or reflect the benefits  
18 promised, earned or paid to Plaintiff while employed by HMCU.

19 **REQUEST FOR PRODUCTION NO. 19:**

20 All documents that relate to, refer to, show, or reflect any bonus programs or other incentive  
21 compensation for which Plaintiff is or was eligible while employed by HMCU.

22 **REQUEST FOR PRODUCTION NO. 20:**

23 All documents that relate to, refer to, show, or reflect any absences from work due to sick  
24 days, personal days, doctor's appointments, leaves of absence, or for any other reason requested  
25 and/or taken by Plaintiff while employed by the HMCU.

26 **REQUEST FOR PRODUCTION NO. 21:**

27 All documents that relate to, refer to, show, or reflect any vacations requested and/or taken  
28 by Plaintiff while employed by HMCU including, without limitation, calendar entries, receipts,

1 credit card bills, airline ticket stubs, itineraries, etc.

2 **REQUEST FOR PRODUCTION NO. 22:**

3 All documents that relate to, refer to, show or reflect any earned income by Plaintiff from  
4 HMCU, including, but without limitation, pay records, pay checks, pay stubs, IRS W-2 forms,  
5 memos, and letters received at any time during Plaintiff's employment with HMCU.

6 **REQUEST FOR PRODUCTION NO. 23:**

7 All documents that relate to, refer to, show, or reflect all alleged deductions made by HMCU  
8 from Plaintiff's wages, commissions or incentives.

9 **REQUEST FOR PRODUCTION NO. 24:**

10 All documents, including, and without limitation, credit card receipts, cash receipts, credit  
11 card bills, and cellular telephone bills, that relate to, refer to, show, or reflect all expenses Plaintiff  
12 claims to have incurred in performing his duties while employed by HMCU.

13 **REQUEST FOR PRODUCTION NO. 25:**

14 All documents, including, and without limitation, cellular telephone bills, cellular telephone  
15 records, personal digital assistant bills, and personal digital assistant records, that relate to, refer to,  
16 show, or reflect all telephone calls made and received, all text, SMS, or PIN messages sent or  
17 received, all pages sent or received, and any and all other communications sent or received from or  
18 by the cellular telephone number(s) Plaintiff uses or has used to perform work for HMCU.

19 **REQUEST FOR PRODUCTION NO. 26:**

20 All documents, including, and without limitation, telephone bills and telephone records, that  
21 relate to, refer to, show, or reflect all telephone calls made and received, all text, SMS, or PIN  
22 messages sent or received, all pages sent or received, and any and all other communications sent or  
23 received from or by any personal or home telephone number(s) Plaintiff uses or has used to perform  
24 work for HMCU.

25 **REQUEST FOR PRODUCTION NO. 27:**

26 All documents, including, and without limitation, cellular telephone bills, cellular telephone  
27 records, personal digital assistant bills, and personal digital assistant records, that relate to, refer to,  
28 show, or reflect all telephone calls made and received, all text, SMS, or PIN messages sent or

received, all pages sent or received, and any and all other communications sent or received from or by any personal digital assistant device Plaintiff uses or has used to perform work for HMCU.

**REQUEST FOR PRODUCTION NO. 28:**

All documents, including, and without limitation, pager bills and pager records, that relate to, refer to, show, or reflect all pages sent and received and any and all other communications sent or received from or by any pager Plaintiff uses or has used to perform work for HMCU.

**REQUEST FOR PRODUCTION NO. 29:**

All calendars, calendar entries, diaries, day-timers, day planners, time records, notes, memoranda, training schedules, work schedules or similar documents covering the period of Plaintiff's employment with HMCU to present, which in any manner relate to Plaintiff's hours of work, working assignments, rate of pay, wages, compensation, commissions and/or other working conditions while employed by HMCU.

**REQUEST FOR PRODUCTION NO. 30:**

All documents reflecting communications or correspondence that Plaintiff and/or his counsel has had with former and/or current employees of HMCU that relate or refer to the claims alleged in the First Amended Complaint.

**REQUEST FOR PRODUCTION NO. 31:**

All documents reflecting communications or correspondence that Plaintiff and/or his counsel has had with any individual that relate or refer to the claims alleged in the First Amended Complaint.

**REQUEST FOR PRODUCTION NO. 32:**

All documents that relate to, refer to or show any written or recorded statements obtained or received by Plaintiff and/or his counsel from any of HMCU's former and/or current employees concerning the subject matter of this lawsuit.

**REQUEST FOR PRODUCTION NO. 33:**

All documents that relate to, refer to or show any written or recorded statements obtained or received by Plaintiff and/or his counsel from any individual concerning the subject matter of this lawsuit.

**REQUEST FOR PRODUCTION NO. 34:**

All documents that refer to, support, or reflect your typical daily tasks for each position you hold or held while employed with HMCU.

**REQUEST FOR PRODUCTION NO. 35:**

All documents that refer to, support, or reflect your typical weekly tasks for each position you hold or held while employed with HMCU.

**REQUEST FOR PRODUCTION NO. 36:**

All documents which in any manner relate or refer to each and every instance for which you claim that you did not receive appropriate compensation, including but not limited to overtime, penalties, fines, and premium pay, from HMCU in violation of any state or federal law, including but not limited to the Fair Labor Standards Act.

**REQUEST FOR PRODUCTION NO. 37:**

All documents which in any manner relate to or refer to itemized wage statements provided to you by HMCU, including but not limited to pay records, pay checks, and pay stubs.

**REQUEST FOR PRODUCTION NO. 38:**

All documents that in any manner refer to, relate to, tend to prove or disprove your contention that the "loan officers" described in the First Amended Complaint were misclassified as exempt.

**REQUEST FOR PRODUCTION NO. 39:**

All documents that in any manner refer to, relate to, tend to prove or disprove your contention that the "loan officers" described in the First Amended Complaint were denied or not fully paid overtime compensation.

**REQUEST FOR PRODUCTION NO. 40:**

All documents that in any manner refer to, relate to, tend to prove or disprove your contention that the "loan officers" described in the First Amended Complaint were denied or prevented from taking meal and rest periods.

**REQUEST FOR PRODUCTION NO. 41:**

All documents that in any manner refer to, relate to, tend to prove or disprove your

1 contention that the "loan officers" described in the First Amended Complaint were not provided  
 2 appropriate waiting time penalties pursuant to the California Labor Code.

3 **REQUEST FOR PRODUCTION NO. 42:**

4 All documents that in any manner refer to, relate to, tend to prove or disprove your  
 5 contention that the "loan officers" described in the First Amended Complaint were not provided with  
 6 properly itemized wage statements pursuant to the California Labor Code.

7 **REQUEST FOR PRODUCTION NO. 43:**

8 All documents that in any manner refer to, relate to, tend to prove or disprove your  
 9 contention that the "sales assistants" described in the First Amended Complaint were not paid fully  
 10 for overtime hours worked.

11 **REQUEST FOR PRODUCTION NO. 44:**

12 All documents that in any manner refer to, relate to, tend to prove or disprove your  
 13 contention that the "sales assistants" described in the First Amended Complaint were denied or  
 14 prevented from taking meal and rest periods.

15 **REQUEST FOR PRODUCTION NO. 45:**

16 All documents that in any manner refer to, relate to, tend to prove or disprove your  
 17 contention that the "sales assistants" described in the First Amended Complaint were not provided  
 18 appropriate waiting time penalties pursuant to the California Labor Code.

19 **REQUEST FOR PRODUCTION NO. 46:**

20 All documents that in any manner refer to, relate to, tend to prove or disprove your contention that  
 21 the "sales assistants" described in the First Amended Complaint were not provided with properly  
 22 itemized wage statements pursuant to the California Labor Code.

23 **REQUEST FOR PRODUCTION NO. 47:**

24 All documents that in any manner refer to, relate to, tend to prove or disprove your  
 25 contention that the "other non-management sales employees" described in the First Amended  
 26 Complaint were misclassified as exempt.

27 **REQUEST FOR PRODUCTION NO. 48:**

28 All documents that in any manner refer to, relate to, tend to prove or disprove your

1 contention that the "other non-management sales employees" described in the First Amended  
2 Complaint were denied or not fully paid overtime compensation.

3 **REQUEST FOR PRODUCTION NO. 49:**

4 All documents that in any manner refer to, relate to, tend to prove or disprove your  
5 contention that the "other non-management sales employees" described in the First Amended  
6 Complaint were denied or prevented from taking meal and rest periods.

7 **REQUEST FOR PRODUCTION NO. 50:**

8 All documents that in any manner refer to, relate to, tend to prove or disprove your  
9 contention that the "other non-management sales employees" described in the First Amended  
10 Complaint were not provided appropriate waiting time penalties pursuant to the California Labor  
11 Code.

12 **REQUEST FOR PRODUCTION NO. 51:**

13 All documents that in any manner refer to, relate to, tend to prove or disprove your  
14 contention that the "other non-management sales employees" described in the First Amended  
15 Complaint were not provided with properly itemized wage statements pursuant to the California  
16 Labor Code.

17 **REQUEST FOR PRODUCTION NO. 52:**

18 All documents that in any manner refer to, relate to, tend to prove or disprove your  
19 contention that HMCU suffered and permitted Plaintiffs, Class Members and/or the Collective Class  
20 to work more than forty hours per week without overtime compensation.

21 **REQUEST FOR PRODUCTION NO. 53:**

22 All documents that in any manner refer to, relate to, tend to prove or disprove your  
23 contention that HMCU has engaged in conduct that is or was willful and in bad faith, causing  
24 significant damages to Plaintiff, Class Members and/or the Collective Class.

25 **REQUEST FOR PRODUCTION NO. 54:**

26 All documents that in any manner refer to, relate to, tend to prove or disprove your  
27 contention that HMCU has failed to provide Plaintiff and/or Class Members with meal periods as  
28 required by law.

**REQUEST FOR PRODUCTION NO. 55:**

All documents that in any manner refer to, relate to, tend to prove or disprove your contention that HMCU failed to authorize and permit Plaintiff and/or Class Members to take rest periods as required by law.

Dated: January 31, 2008

Respectfully submitted,



MICHELLE R. BARRETT  
GEORGE J. TICHY II  
KIMBERLY L. OWENS  
JUSTIN T. CURLEY  
LITTLER MENDELSON  
A Professional Corporation  
Attorneys for Defendants  
HSBC MORTGAGE CORPORATION (USA)  
and HSBC BANK USA, N.A.

Firmwide:84197345.1 023404.1043

# EXHIBIT E



the **Voice** for employees

**Nichols Kaster & Anderson, LLP**

**COPY**  
**LITTLER MENDELSON**  
**FEB 29 2008**  
**RECEIVED**

February 29, 2008

**VIA HAND-DELIVERY**

George J. Tichy II  
Michelle Barrett  
Littler Mendelson, P.C.  
650 California Street  
20th Floor  
San Francisco, CA 94108-2693

**Re: *Wong et al v. HSBC et al***  
***Our File # 10609-01***  
***Court File #07-2446***

Dear Ms. Barrett:

Enclosed herewith and served upon you please find Plaintiff Phillip Wong's and Plaintiff Frederic Chaussy's Responses to Defendant HSBC Mortgage Corporation (USA)'s Request For Production of Documents, Set I. An index of documents included in the enclosed CD are listed below:

**Phillip Wong**

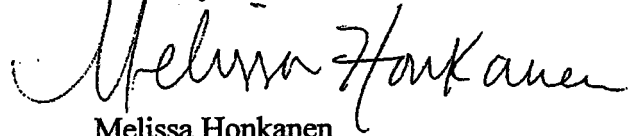
NKA1364-1410:	View Paycheck and Compensation History
NKA1441:	The Law of The Ladder PowerPoint (18 slides)
NKA1454- 1461:	Clean Desktop and Workspace Security
NKA1462-1474 :	2007 Loan Officer Business Plan
NKA1475-1477:	Emails with Managers Amy Ku and Jeff Needham
NKA1478-1495:	P. Wong's Paychecks
NKA1497-1500:	Summer Mortgage Campaign - Quick Reference Guide
NKA1534:	A. Ku Email Re Attendance and Punctuality
NKA2105-2121:	The Law of The Encore
NKA2122-2131:	The High Trust Sales Academy
NKA2366-2373:	Mortgage Sales Contact List
NKA2374:	Structure of HSBC Holdings
NKA2383:	P. Wong's Commission Calculation
NKA2503-2540:	Emails with Managers Amy Ku and Jeff Needham
NKA2541-2585:	P. Wong's Paychecks
NKA2586-2628:	Wong's Expense Reports, Reimbursement Reports, Cell Phone Bills
NKA2629-2641:	Time Off Policy, Absent Policy
NKA2642-3156:	Emails with clients and co-workers regarding loans

Frederic Chaussy

NKA1501:	Weekly Production by Offices
NKA2104:	F. Chaussy's W-2 for 2006
NKA2258-2259:	Interim Job Discussion
NKA2260-2269:	Status Report by Loan Officer
NKA2270- 2275:	Retaliation Complaint
NKA2276-2277:	Termination Letter
NKA2278-2279:	Key Accountabilities
NKA2280-2298:	Compensation History2298
NKA2299-2300:	Inside HR – Overtime
NKA2301-2305:	Correspondence with HSBC
NKA2306-2307:	Employment Offer
NKA2308-2322:	Mortgage Sales Incentive Plans for Retail Sales
NKA2323-2327:	Final Written Warning-Production/Performance and Emails
NKA2328-2329:	Emails Concerning Compensation
NKA2330:	Emails with A. Ku
NKA2331-2334:	Emails with W. Daniel
NKA2334-2341:	Documents Relating to California Labor Commission Claim
NKA2342-2356:	Emails with A. Ku and J. Jennings
NKA2357-2360:	Branch Schedule Documents
NKA2361-2365:	Emails with A. Ku and W. Daniel
NKA2379-2382:	Paychecks and 2007 W-2
NKA2386-2446:	F. Chaussy Paychecks
NKA2447-2464:	Severance Pay Plan, Emails
NKA2465-2502:	Emails, Branch Schedule

Thank you for your time and attention to this matter.

Sincerely,



Melissa Honkanen  
Legal Assistant

Enclosures

# EXHIBIT F

THIS EXHIBIT IS FILED WITH DEFENDANTS' MOTION FOR  
ADMINISTRATIVE RELIEF TO FILE UNDER SEAL EXHIBITS IN  
SUPPORT OF DEFENDANTS' MOTION FOR RULE 11(C) SANCTIONS

# EXHIBIT G

THIS EXHIBIT IS FILED WITH DEFENDANTS' MOTION FOR  
ADMINISTRATIVE RELIEF TO FILE UNDER SEAL EXHIBITS IN  
SUPPORT OF DEFENDANTS' MOTION FOR RULE 11(C) SANCTIONS

# EXHIBIT H

**CERTIFIED COPY**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PHILIP WONG, FREDERIC CHAUSSY,  
And LESLIE MARIE SHEARN,  
Individually, on behalf of all  
Others similarly situated, and  
On behalf of the general public,  
Plaintiffs,

vs.

NO. 3:07-CV-2446 MMC

HSBC MORTGAGE CORPORATION (USA)  
HSBC BANK, USA, N.A.; and  
DOES 1 through 50, inclusive,  
Defendants.

---

DEPOSITION OF PHILIP WONG

SAN FRANCISCO, CALIFORNIA

NOVEMBER 29, 2007

Reported by Yvonne Fennelly, CSR No. 5495

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1 Q. Are you saying that the time that you are at a  
2 location is reflected by when you log onto your e-mail  
3 account; is that right?

4 A. Yes.

5 Q. Okay.

6 Do you know if any other loan officers or  
7 mortgage consultants track their time?

8 A. That I'm unaware of.

9 Q. Do you schedule appointments in advance?

10 A. To the branch?

11 Q. At any location.

12 A. I schedule appointments according to the  
13 branch.

14 Q. What do you mean by that?

15 A. The personal banker would refer to a client,  
16 speak to them about the mortgage product before setting  
17 up an appointment with me.

18 Q. So are you saying that you would or you would  
19 not schedule an appointment or did the person just  
20 basically walk in?

21 A. At times the person just basically walks in.

22 Q. Are there occasions when you actually schedule  
23 appointments?

24 A. Yes.

25 Q. How frequently does that occur?

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1 A. On a daily basis.

2 Q. On a daily basis, okay.

3 Why don't you describe your typical workday for  
4 us as it exists today.

5 A. Well, do you want me to explain to you how I  
6 start my whole day?

7 Q. Sure.

8 I'm not interested in your personal activities  
9 as they relate to what you may do personally other than  
10 with regard to your job, but why don't you describe your  
11 workday for us.

12 A. I would wake up at 5:00 a.m. to talk to a  
13 processor in New York, Buffalo, in reference to our loan  
14 files.

15 From that point on, we would go by e-mails back  
16 and forth until about 8:00 o'clock.

17 8:30 I'd walk into my banking center.

18 From 8:30 on we talk to clients as long as --  
19 as well as talk to branch employees, to walk-in traffic  
20 as well, alongside with anybody making a payment.

21 We would stay there until, or I would stay  
22 there until all the branch employees leave, and that  
23 varies from day-to-day from 5:30 on to 7:30 at times.

24 Soon after I would go home, work from my home  
25 office from -- it varies from the time of 7:00 o'clock

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1 all the way till 1:30.

2 Q. So are you saying that on a regular basis  
3 you're getting three-and-a-half hours sleep?

4 A. At times, yes.

5 Q. Well, I'm asking on a regular basis.

6 A. I would say not on a regular basis.

7 Q. And when you were working with the processors  
8 in New York, that would be during a period when you  
9 actually had an application pending; is that right?

10 A. Yes.

11 Q. And what sort of discussions would you have  
12 with the processors in New York?

13 A. Documentation that we require from overseas.

14 Q. Would you talk with them over the phone or  
15 would this be by e-mail?

16 A. Both.

17 Q. And so you would discuss with the processor in  
18 New York what additional documentation was necessary?

19 A. Yes.

20 Q. Okay.

21 Anything else that you would discuss with the  
22 processor?

23 A. Timeframe.

24 Q. Timeframe.

25 Anything else?

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REPORTER'S CERTIFICATION

You, Yvonne Fennelly, Certified Shorthand Reporter, in and for the State of California, do hereby certify:

That the foregoing witness was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed into typewriting under my direction; that the foregoing is a true record of the testimony and proceedings taken at that time.

IN WITNESS WHEREOF, you have subscribed my name this 14<sup>th</sup> day of December, 2007.

/s/ Yvonne Fennelly

Yvonne Fennelly, CRP, CSR No. 5495

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DEPOSITION ERRATA SHEET

RE: Paulson Reporting & Litigation Services

File No. 9738

Case Caption: PHILIP WONG, et al.

vs. HSBC MORTGAGE CORPORATION, et al.

Deponent: PHILIP WONG

Deposition Date: NOVEMBER 29, 2007

To the Reporter:

I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me. I request that the following changes be entered upon the record for the reasons indicated. I have signed my name to the Errata Sheet and the appropriate Certificate and authorize you to attach both to the original transcript.

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

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# EXHIBIT I

1 Donald H. Nichols, MN State Bar No. 78918  
2 (admitted pro hac vice)  
3 Paul J. Lukas, MN State Bar No. 22084X  
4 (admitted pro hac vice)  
5 Timothy C. Selander, MN State Bar No. 0387016  
6 (admitted pro hac vice)  
7 NICHOLS KASTER & ANDERSON, PLLP  
8 4600 IDS Center  
9 80 S. 8<sup>th</sup> Street  
10 Minneapolis, MN 55402

11 Bryan J. Schwartz, CA State Bar No. 209903  
12 Matthew C. Helland, CA State Bar No. 250451  
13 NICHOLS KASTER & ANDERSON, LLP  
14 One Embarcadero Center, Ste. 720  
15 San Francisco, CA 94111

16 Attorneys for Individual and Representative Plaintiffs

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**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Philip Wong, Frederic Chaussy, and Leslie  
Marie Shearn, individually, on behalf of all  
others similarly situated, and on behalf of  
the general public,

Plaintiffs,

vs.

HSBC Mortgage Corporation (USA);  
HSBC Bank USA, N.A.; and DOES 1  
through 50, inclusive,

Defendants.

Case No.: 3:07-cv-2446 MMC

**PLAINTIFF PHILIP WONG'S RESPONSES  
TO DEFENDANT HSBC MORTGAGE  
CORPORATION (USA)'S REQUEST FOR  
PRODUCTION OF DOCUMENTS, SET I**

1 PROPOUNDING PARTY: Defendant HSBC MORTGAGE CORPORATION (USA)

2 RESPONDING PARTY: Plaintiff PHILIP WONG

3 SET NUMBER: One (1)

4 TO: PLAINTIFF AND HIS ATTORNEYS OF RECORD

5 **REQUEST FOR PRODUCTION NO. 1:**

6 All documents which relate to, refer to, show, or reflect communications, oral or  
7 written, including, without limitation, policies, procedures, handbooks, memoranda, grievances,  
8 applications, postings, complaints, wage information, benefits information and work schedules,  
9 between Plaintiff and HMCU, regarding the subject matter of the First Amended Complaint.  
10

11 **OBJECTION:**

12 Plaintiff objects to this request on the grounds that it is over broad, vague, unduly  
13 burdensome, seeks information that it not relevant to a claim or defense or reasonably calculated  
14 to lead to the discovery of admissible evidence. Further, the information sought is in Defendant's  
15 possession, and therefore can be obtained from some other source that is more convenient, less  
16 burdensome, or less expensive.  
17

18 **RESPONSE TO REQUEST NO. 1:**

19 Without waiving these objections, Plaintiff states that in response to this overly  
20 broad request, he will produce all documents in his possession relating to his employment with  
21 Defendant.  
22

23 **REQUEST FOR PRODUCTION NO. 2:**

24 All documents and things acquired or received by Plaintiff by virtue of Plaintiff's  
25 employment with HMCU including, without limitation, all books, records, files, or data  
26  
27  
28

1 downloaded by Plaintiff from any desktop, personal, portable, or mainframe computer and any  
2 abstracts, copies or summaries thereof.

3  
4 **OBJECTION:**

5 Plaintiff objects to this request on the grounds that it is over broad, vague, unduly  
6 burdensome, cumulative, and seeks information that it not relevant to a claim or defense or  
7 reasonably calculated to lead to the discovery of admissible evidence.

8 **RESPONSE TO REQUEST NO. 2:**

9 Without waiving these objections, Plaintiff states that in response to this overly  
10 broad request, he will produce all documents in his possession relating to his employment with  
11 Defendant.  
12

13  
14 **REQUEST FOR PRODUCTION NO. 3:**

15 All documents and things created by Plaintiff in connection with Plaintiff's  
16 employment with HMCU, including but without limitation any memoranda, charts, reports,  
17 summaries, spreadsheets, electronic mail messages, or other documents created by Plaintiff to be  
18 used to present information to prospective clients or customers or existing clients or customers.  
19

20 **OBJECTION:**

21 Plaintiff objects to this request on the grounds that it is over broad, vague, unduly  
22 burdensome, seeks information that it not relevant to a claim or defense or reasonably calculated  
23 to lead to the discovery of admissible evidence. Further, because the information sought is be in  
24 Defendant's possession – particularly the server containing Plaintiff's entire email file - they can  
25 be obtained from a source that is more convenient, less burdensome, or less expensive.  
26  
27

28 **RESPONSE TO REQUEST NO. 3:**

1 Without waiving these objections, Plaintiff states that in response to this overly  
2 broad request, he will produce all documents in his possession relating to his employment with  
3 Defendant.  
4

5  
6 **REQUEST FOR PRODUCTION NO. 4:**

7 All documents and things Plaintiff has removed from HMCU's premises.

8 **OBJECTION:**

9 Plaintiff objects to this request on the grounds that it is over broad, vague, unduly  
10 burdensome, cumulative, seeks information that it not relevant to a claim or defense or reasonably  
11 calculated to lead to the discovery of admissible evidence. Further, because all documents  
12 relating to Plaintiff's employment are in Defendant's possession they can be obtained from a  
13 source that is more convenient, less burdensome, or less expensive.  
14

15 **RESPONSE TO REQUEST NO. 4:**

16 Without waiving these objections, Plaintiff states that in response to this overly  
17 broad and cumulative request, he will produce all documents in his possession relating to his  
18 employment with Defendant.  
19

20  
21 **REQUEST FOR PRODUCTION NO. 5:**

22 Any and all documents that relate to, refer to, show, or reflect the hours Plaintiff  
23 has worked each and every day during his employment with HMCU.

24 **OBJECTION:**

25 Plaintiff objects to this request on the grounds that it is over broad, vague, unduly  
26 burdensome, and cumulative. Further, because the information sought is be in Defendant's  
27 possession – particularly the server containing Plaintiff's and his supervisors' entire email files,  
28



1 branch schedules, payroll, benefits, and leave records, and other documents identifying time and  
2 date of work performed – it can be obtained from a source that is more convenient, less  
3 burdensome, or less expensive.  
4

5 **RESPONSE TO REQUEST NO. 5:**

6 Without waiving these objections, Plaintiff states that in response to this overly  
7 broad and cumulative request, he will produce all documents in his possession relating to his  
8 employment with Defendant.  
9

10 **REQUEST FOR PRODUCTION NO. 6:**

11 All documents that relate to, refer to, show or reflect the days Plaintiff has worked  
12 during his employment with HMCU, including, but without limitation, any and all documents that  
13 describe the exact hours of work for each such day, any time for breakfasts, lunches, dinners,  
14 smoking, attending to personal issues or tasks that are not or were not work related, meal periods,  
15 break periods or rest periods.  
16

17 **OBJECTION:**

18 Plaintiff objects to this request on the grounds that it is over broad, vague, unduly  
19 burdensome, and cumulative. Further, because the information sought is be in Defendant's  
20 possession – particularly the server containing Plaintiff's and his supervisors' entire email files,  
21 branch schedules, payroll, benefits, and leave records, and other documents identifying time and  
22 date of work performed - it can be obtained from a source that is more convenient, less  
23 burdensome, or less expensive.  
24

25 **RESPONSE TO REQUEST NO. 6:**  
26  
27  
28

1 Without waiving these objections, Plaintiff states that in response to this overly  
2 broad and cumulative request, he will produce all documents in his possession relating to his  
3 employment with Defendant.  
4

5  
6 **REQUEST FOR PRODUCTION NO. 7:**

7 All documents that relate to, refer to, show, or reflect the weeks of the year(s)  
8 Plaintiff has worked during his employment with HMCU, including, but without limitation, any  
9 and all documents that describe the exact hours of work for each such week, any time taken for  
10 breakfasts, lunches, dinners, smoking, attending to personal issues or tasks that are not or were  
11 not work related, meal periods, break periods or rest periods.  
12

13 **OBJECTION:**

14 Plaintiff objects to this request on the grounds that it is over broad, vague, unduly  
15 burdensome, and cumulative. Further, because the information sought is be in Defendant's  
16 possession – particularly the server containing Plaintiff's and his supervisors' entire email files,  
17 branch schedules, payroll, benefits, and leave records, and other documents identifying time and  
18 date of work performed - it can be obtained from a source that is more convenient, less  
19 burdensome, or less expensive.  
20

21 **RESPONSE TO REQUEST NO. 7:**

22 Without waiving these objections, Plaintiff states that in response to this overly  
23 broad and cumulative request, he will produce all documents in his possession relating to his  
24 employment with Defendant.  
25

26 **REQUEST FOR PRODUCTION NO. 8:**  
27  
28

1 All documents that relate to, refer to, show, or reflect the months of the year(s)  
2 Plaintiff has worked during his employment with HMCU, including, but without limitation, any  
3 and all documents that describe the exact hours of work for each such month, any time taken for  
4 breakfasts, lunches, dinners, smoking, attending to personal issues or tasks that are not or were  
5 not work related, meal periods, break periods or rest periods.  
6

7 **OBJECTION:**

8 Plaintiff objects to this request on the grounds that it is over broad, vague, unduly  
9 burdensome, and cumulative. Further, because the information sought is be in Defendant's  
10 possession – particularly the server containing Plaintiff's and his supervisors' entire email files,  
11 branch schedules, payroll, benefits, and leave records, and other documents identifying time and  
12 date of work performed - it can be obtained from a source that is more convenient, less  
13 burdensome, or less expensive.  
14

15 **RESPONSE TO REQUEST NO. 8:**

16 Without waiving these objections, Plaintiff states that in response to this overly  
17 broad and cumulative request, he will produce all documents in his possession relating to his  
18 employment with Defendant.  
19

20  
21 **REQUEST FOR PRODUCTION NO. 9:**

22 Any and all documents reflection Plaintiff's work assignments and/or assigned  
23 duties during his employment with HMCU.

24 **OBJECTION:**

25 Plaintiff objects to this request on the grounds that it is over broad, vague, unduly  
26 burdensome, and cumulative. Further, because the information sought is be in Defendant's  
27 possession – particularly the server containing Plaintiff's and his supervisors' entire email files,  
28

1 branch schedules, and other documents identifying Plaintiff's job assignments - it can be obtained  
2 from a source that is more convenient, less burdensome, or less expensive.

3  
4 **RESPONSE TO REQUEST NO. 9:**

5 Without waiving these objections, Plaintiff states that in response to this overly  
6 broad request, he will produce all documents in his possession relating to his employment with  
7 Defendant.

8  
9 **REQUEST FOR PRODUCTION NO. 10:**

10 All documents that relate to, refer to, show, or reflect job duties actually performed  
11 by Plaintiff while employed at HMCU.

12  
13 **OBJECTION:**

14 Plaintiff objects to this request on the grounds that it is over broad, vague, unduly  
15 burdensome, and cumulative. Further, because the information sought is be in Defendant's  
16 possession – particularly the server containing Plaintiff's and his supervisors' entire email files,  
17 branch schedules, and other documents identifying Plaintiff's job duties - it can be obtained from  
18 a source that is more convenient, less burdensome, or less expensive.

19  
20 **RESPONSE TO REQUEST NO. 10:**

21 Without waiving these objections, Plaintiff states that in response to this overly  
22 broad request, he will produce all documents in his possession relating to his employment with  
23 Defendant.

24  
25 **REQUEST FOR PRODUCTION NO. 11:**  
26  
27  
28

1 All electronic mail sent by Plaintiff, including, but without limitation, electronic  
2 mail sent from any personal electronic mail accounts, between the hours of 6:00 a.m. to 8:00  
3 p.m., Monday through Friday, at any time during Plaintiff's employment with HMCU.  
4

5 **OBJECTION:**

6 Plaintiff objects to this request on the grounds that Defendant is in possession, and  
7 has yet to produce, the server containing Plaintiff's entire email files. As such, the information  
8 sought can be obtained from a source that is more convenient, less burdensome, or less expensive.  
9

10 **RESPONSE TO REQUEST NO. 11:**

11 Without waiving these objections, Plaintiff states that in response to this request,  
12 he will produce all emails in his possession relating to his employment with Defendant.  
13

14 **REQUEST FOR PRODUCTION NO. 12:**

15 All electronic mail sent by Plaintiff, including, but without limitation, electronic  
16 mail sent from any personal electronic mail accounts, between the hours of 9:00 a.m. to 4:00 p.m.  
17 on Saturdays at any time during Plaintiff's employment with HMCU.  
18

19 **OBJECTION:**

20 Plaintiff objects to this request on the grounds that Defendant is in possession, and  
21 has yet to produce, the server containing Plaintiff's entire email files. As such, the information  
22 sought can be obtained from a source that is more convenient, less burdensome, or less expensive.  
23

24 **RESPONSE TO REQUEST NO. 12:** Without waiving these objections, Plaintiff states that in  
25 response to this request, he will produce all emails in his possession relating to his employment  
26 with Defendant.  
27

28 **REQUEST FOR PRODUCTION NO. 13:**

1 All documents that relate to, refer to, show, or reflect Plaintiff's communications  
2 with international based clients at any time during Plaintiff's employment with HMCU.

3 **OBJECTION:**

4  
5 Plaintiff objects to this request on the grounds that Defendant is in possession, and  
6 has yet to produce, the server containing Plaintiff's and his supervisors' entire email files and  
7 Plaintiff's phone records. As such, the information sought can be obtained from a source that is  
8 more convenient, less burdensome, or less expensive.

9 **RESPONSE TO REQUEST NO. 13:**

10 Without waiving these objections, Plaintiff states that in response to this request,  
11 he will produce all emails and phone records in his possession reflecting communications with  
12 HMCU employees, clients and prospective clients.  
13

14  
15 **REQUEST FOR PRODUCTION NO. 14:**

16 All documents that relate to, refer to, show, or reflect an evaluation of Plaintiff's  
17 job performance while employed by HMCU.

18 **OBJECTION:**

19  
20 Plaintiff objects to this request on the grounds that it is cumulative. Further,  
21 because the information sought is be in Defendant's possession, it can be obtained from a source  
22 that is more convenient, less burdensome, or less expensive.

23 **RESPONSE TO REQUEST NO. 14:**

24 Without waiving these objections, Plaintiff states that in response to this request,  
25 he will produce all documents in his possession relating to his employment with Defendant,  
26 including performance related documents.  
27  
28

1       **REQUEST FOR PRODUCTION NO. 15:**

2               All documents that relate to, refer to, show, or reflect policies and/or procedures  
3 related the position(s) Plaintiff holds or held while employed by HMCU.  
4

5       **OBJECTION:**

6               Plaintiff objects to this request on the grounds that it is cumulative, seeks  
7 information that it not relevant to a claim or defense or reasonably calculated to lead to the  
8 discovery of admissible evidence. Further, because all documents relating to Plaintiff's  
9 employment – including all policies and procedures that related to his job - are in Defendant's  
10 possession they can be obtained from a source that is more convenient, less burdensome, or less  
11 expensive.  
12

13       **RESPONSE TO REQUEST NO. 15:**

14               Without waiving these objections, Plaintiff states that in response to this  
15 cumulative request, he will produce all documents in his possession relating to his employment  
16 with Defendant.  
17  
18  
19

20       **REQUEST FOR PRODUCTION NO. 16:**

21               All documents that relate to, refer to, show or reflect training for the position(s)  
22 Plaintiff holds or held while employed by HMCU.

23       **OBJECTION:**

24               Plaintiff objects to this request on the grounds that it is cumulative. Further,  
25 because all documents relating to Plaintiff's employment – including all training materials - are in  
26 Defendant's possession they can be obtained from a source that is more convenient, less  
27 burdensome, or less expensive.  
28

1       **RESPONSE TO REQUEST NO. 16:**

2               Without waiving these objections, Plaintiff states that in response to this cumulative  
3 request, he will produce all documents in his possession relating to his employment with  
4 Defendant.  
5

6  
7       **REQUEST FOR PRODUCTION NO. 17:**

8               All documents, including, but not limited to pay records, pay checks, pay stubs,  
9 IRS W-2 forms, memos, letters, and/or tax returns, that relate to, refer to, show, or reflect the  
10 wages, including commissions, promised, earned or paid to Plaintiff while employed by HMCU.  
11

12       **OBJECTION:**

13               Plaintiff objects to this request on the grounds that it is over broad, unduly  
14 burdensome, cumulative, seeks information that is not relevant to a claim or defense or reasonably  
15 calculated to lead to the discovery of admissible evidence. Further, because the documents  
16 relating to Plaintiff's employment – including all compensation information - are in Defendant's  
17 possession they can be obtained from a source that is more convenient, less burdensome, or less  
18 expensive.  
19

20       **RESPONSE TO REQUEST NO. 17:**

21               Without waiving these objections, Plaintiff states that in response to this unduly  
22 burdensome, overly broad and cumulative request, he will produce all pay records and paystubs  
23 in his possession relating to income earned from Defendant.  
24

25       **REQUEST FOR PRODUCTION NO. 18:**  
26  
27  
28



1 All documents, including but not limited to pay records, pay checks, pay stubs,  
2 IRS W-2 forms, memos, letters, and/or tax returns, that relate to, refer to, show, or reflect the  
3 benefits promised, earned or paid to Plaintiff while employed by HMCU.  
4

5 **OBJECTION:**

6 Plaintiff objects to this request on the grounds that it is over broad, unduly  
7 burdensome, cumulative, seeks information that it not relevant to a claim or defense or reasonably  
8 calculated to lead to the discovery of admissible evidence. Further, because the documents  
9 relating to Plaintiff's employment – including all benefits information - are in Defendant's  
10 possession they can be obtained from a source that is more convenient, less burdensome, or less  
11 expensive.  
12

13 **RESPONSE TO REQUEST NO. 18:**

14 Without waiving these objections, Plaintiff states that in response to this unduly  
15 burdensome, overly broad and cumulative request, he will produce all pay records and paystubs  
16 in his possession relating all benefits paid or promised by Defendant.  
17

18 **REQUEST FOR PRODUCTION NO. 19:**

19 All documents that relate to, refer to, show, or reflect any bonus programs or other  
20 incentive compensation for which Plaintiff was eligible while employed by HMCU.  
21

22 **OBJECTION:**

23 Plaintiff objects to this request on the grounds that it is over broad, unduly  
24 burdensome, cumulative, seeks information that it not relevant to a claim or defense or reasonably  
25 calculated to lead to the discovery of admissible evidence. Further, because the documents  
26 relating to Plaintiff's employment – including all compensation information - are in Defendant's  
27  
28

1 possession they can be obtained from a source that is more convenient, less burdensome, or less  
2 expensive.

3  
4 **RESPONSE TO REQUEST NO. 19:**

5 Without waiving these objections, Plaintiff states that in response to this unduly  
6 burdensome, overly broad and cumulative request, he will produce all pay records and paystubs  
7 in his possession relating to compensation paid by Defendant.

8  
9 **REQUEST FOR PRODUCTION NO. 20:**

10 All documents that relate to, refer to, show, or reflect any absences from work due  
11 to sick days, personal days, doctor's appointments, leaves of absences, or for any other reason  
12 requested and/or taken by Plaintiff while employed by HMCU.

13  
14 **OBJECTION:**

15 Plaintiff objects to this request on the grounds that it is over broad, vague, unduly  
16 burdensome, and cumulative. Further, because the information sought is be in Defendant's  
17 possession – particularly the server containing Plaintiff's and his supervisors' entire email files,  
18 branch schedules, payroll, benefits, and leave records, and other documents identifying time and  
19 date of work performed - it can be obtained from a source that is more convenient, less  
20 burdensome, or less expensive.

21  
22 **RESPONSE TO REQUEST NO. 20:**

23 Without waiving these objections, Plaintiff states that in response to this overly  
24 broad and cumulative request, he will produce all documents in his possession relating to his  
25 employment with Defendant.

26  
27  
28 **REQUEST FOR PRODUCTION NO. 21:**

1 All documents that relate to, refer to, show, or reflect any vacations requested  
2 and/or taken by Plaintiff while employed by HMCU including, without limitation, calendar  
3 entries, receipts, credit card bills, airline ticket stubs, itineraries, etc.  
4

5 **OBJECTION:**

6 Plaintiff objects to this request on the grounds that it is over broad, vague, unduly  
7 burdensome, and cumulative. Further, because the information sought is be in Defendant's  
8 possession – particularly the server containing Plaintiff's and his supervisors' entire email files,  
9 branch schedules, payroll, benefits, and leave records, and other documents identifying time and  
10 date of work performed - it can be obtained from a source that is more convenient, less  
11 burdensome, or less expensive.  
12

13 **RESPONSE TO REQUEST NO. 21:**

14 Without waiving these objections, Plaintiff states that in response to this overly  
15 broad and cumulative request, he will produce all documents in his possession relating to his  
16 employment with Defendant.  
17

18 **REQUEST FOR PRODUCTION NO. 22:**

19 All documents that relate to, refer to, show or reflect any earned income by  
20 Plaintiff from HMCU, including, but without limitation, pay records, pay checks, pay stubs, IRS  
21 W-2 forms, memos, and letters received at any time during Plaintiff's employment with HMCU.  
22

23 **OBJECTION:**

24 Plaintiff objects to this request on the grounds that it is over broad, unduly  
25 burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
26 – including all compensation information - are in Defendant's possession they can be obtained  
27 from a source that is more convenient, less burdensome, or less expensive.  
28

1 **RESPONSE TO REQUEST NO. 22:**

2 Without waiving these objections, Plaintiff states that in response to this  
3 cumulative request, he will produce all pay records and paystubs in his possession relating to  
4 compensation paid by Defendant.  
5

6  
7 **REQUEST FOR PRODUCTION NO. 23:**

8 All documents that relate to, refer to, show, or reflect all alleged deductions made  
9 by HMCU from Plaintiff's wages, commission or incentives.  
10

11 **OBJECTION:**

12 Plaintiff objects to this request on the grounds that it is over broad, unduly  
13 burdensome, cumulative, seeks information that it not relevant to a claim or defense or reasonably  
14 calculated to lead to the discovery of admissible evidence. Further, because the documents  
15 relating to Plaintiff's employment – including all compensation information - are in Defendant's  
16 possession they can be obtained from a source that is more convenient, less burdensome, or less  
17 expensive.  
18

19 **RESPONSE TO REQUEST NO. 23:**

20 Without waiving these objections, Plaintiff states that in response to this unduly  
21 burdensome, overly broad and cumulative request, he will produce all pay records and paystubs  
22 in his possession relating to compensation paid by Defendant.  
23

24 **REQUEST FOR PRODUCTION NO. 24:**

25 All documents, including, and without limitation, credit card receipts, cash  
26 receipts, credit card bills, and cellular telephone bills, that relate to, refer to, show, or reflect all  
27 expenses Plaintiff claims to have incurred in performing his duties while employed by HMCU.  
28

1 **OBJECTION:**

2 Plaintiff objects to this request on the grounds that it is over broad, unduly  
3 burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
4 – including all compensation information - are in Defendant's possession they can be obtained  
5 from a source that is more convenient, less burdensome, or less expensive.  
6

7 **RESPONSE TO REQUEST NO. 24:**

8 Without waiving these objections, Plaintiff states that in response to this unduly  
9 burdensome, overly broad and cumulative request, he will produce all pay records and paystubs  
10 in his possession relating to compensation paid and deductions made by Defendant.  
11

12 **REQUEST FOR PRODUCTION NO. 25:**

13 All documents, including, and without limitation, cellular telephone bills, cellular  
14 telephone records, personal digital assistant bills, and personal digital assistant records, that relate  
15 to, refer to, show, or reflect all telephone calls made and received, all text, SMS, or PIN messages  
16 sent or received, all pages sent or received, and any and all other communications sent or received  
17 from or by the cellular telephone number(s) Plaintiff uses or has used to perform work for  
18 HMCU.  
19  
20

21 **OBJECTION:**

22 Plaintiff objects to this request on the grounds that it is over broad, unduly  
23 burdensome, seeks information that it not relevant to a claim or defense or reasonably calculated  
24 to lead to the discovery of admissible evidence. Further, because the documents relating to  
25 Plaintiff's job duties and hours worked – including the servers containing Plaintiff's and his  
26 supervisors' email files, phone records, and expense reimbursement materials - are in Defendant's  
27  
28

1 possession, the information can be obtained from a source that is more convenient, less  
2 burdensome, or less expensive.

3  
4 **RESPONSE TO REQUEST NO. 25:**

5 Plaintiff will not provide the documents requested in this request.

6  
7 **REQUEST FOR PRODUCTION NO. 26:**

8 All documents, including, and without limitation, telephone bills and telephone  
9 records, that relate to, refer to, show, or reflect all telephone calls made and received, all text,  
10 SMS, or PIN messages sent or received, all pages sent or received, and any and all other  
11 communications sent or received from or by any personal or home telephone number(s) Plaintiff  
12 uses or has used to perform work for HMCU.

13  
14 **OBJECTION:**

15 Plaintiff objects to this request on the grounds that it is over broad, unduly  
16 burdensome, seeks information that it not relevant to a claim or defense or reasonably calculated  
17 to lead to the discovery of admissible evidence. Further, because the documents relating to  
18 Plaintiff's job duties and hours worked – including the servers containing Plaintiff's and his  
19 supervisors' email files, phone records, and expense reimbursement materials - are in Defendant's  
20 possession, the information can be obtained from a source that is more convenient, less  
21 burdensome, or less expensive.

22  
23 **RESPONSE TO REQUEST NO. 26:**

24 Plaintiff will not provide the documents requested in this request.

25  
26  
27 **REQUEST FOR PRODUCTION NO. 27:**

1 All documents, including, and without limitation, cellular telephone bills, cellular  
2 telephone records, personal digital assistant bills, and personal digital assistant records, that relate  
3 to, refer to, show, or reflect all telephone calls made and received, all text, SMS, or PIN messages  
4 sent or received, and any and all other communications sent or received from or by any personal  
5 digital assistant device Plaintiff uses or has used to perform work for HMCU.  
6

7 **OBJECTION:**

8 Plaintiff objects to this request on the grounds that it is over broad, unduly  
9 burdensome, seeks information that it not relevant to a claim or defense or reasonably calculated  
10 to lead to the discovery of admissible evidence. Further, because the documents relating to  
11 Plaintiff's job duties and hours worked – including the servers containing Plaintiff's and his  
12 supervisors' email files, phone records, and expense reimbursement materials - are in Defendant's  
13 possession, the information can be obtained from a source that is more convenient, less  
14 burdensome, or less expensive.  
15

16 **RESPONSE TO REQUEST NO. 27:**

17 Plaintiff will not provide the documents requested in this request.  
18  
19

20 **REQUEST FOR PRODUCTION NO. 28:**

21 All documents, including, and without limitation, pager bills and pager records,  
22 that relate to, refer to, show, or reflect all pages sent and received and any and all other  
23 communications sent or received from or by any pager Plaintiff uses or has used to perform work  
24 for HMCU.  
25

26 **OBJECTION:** Plaintiff objects to this request on the grounds that it is over broad, unduly  
27 burdensome, seeks information that it not relevant to a claim or defense or reasonably calculated  
28 to lead to the discovery of admissible evidence. Further, because the documents relating to

1 Plaintiff's job duties and hours worked – including the servers containing Plaintiff's and his  
2 supervisors' email files, phone records, and expense reimbursement materials - are in Defendant's  
3 possession, the information can be obtained from a source that is more convenient, less  
4 burdensome, or less expensive.  
5

6 **RESPONSE TO REQUEST NO. 28:**

7 Plaintiff will not provide the documents requested in this request.  
8

9 **REQUEST FOR PRODUCTION NO. 29:**

10 All calendars, calendar entries, diaries, day-timers, day planners, time records,  
11 notes, memoranda, training schedules, work schedules or similar documents covering the period  
12 of Plaintiff's employment with HMCU to present, which in any manner relate to Plaintiff's hours  
13 of work, working assignments, rate of pay, wages, compensation, commissions and/or other  
14 working conditions while employed by HMCU.  
15

16 **OBJECTION:**

17 Plaintiff objects to this request on the grounds that it is over broad, unduly  
18 burdensome. Further, because the documents relating to Plaintiff's job duties, hours worked and  
19 compensation are in Defendant's possession, the information can be obtained from a source that  
20 is more convenient, less burdensome, or less expensive.  
21

22 **RESPONSE TO REQUEST NO. 29:**

23 Without waiving these objections, Plaintiff states that in response to this overly broad  
24 request, he will produce all documents in his possession relating to his employment with  
25 Defendant.  
26

27 **REQUEST FOR PRODUCTION NO. 30:**  
28



1 All documents reflecting communications or correspondence that Plaintiff and/or  
2 his counsel has had with former and/or current employees of HMCU that relate or refer to the  
3 claims alleged in the First Amended Complaint.  
4

5 **OBJECTION:**

6 Plaintiff objects to this requests on the grounds that it is vague, overly  
7 burdensome, seeks information protected by the attorney work-product doctrine, and seeks  
8 "statements" beyond that which is contemplated by Rule 26 of the Federal Rules of Civil  
9 Procedure.  
10

11 **RESPONSE TO REQUEST NO. 30:**

12 Without waiving these objections, Plaintiff states that as part of his motions filed  
13 with the Court, he has produced to Defendant all "statements" as defined by Rule 26 of the  
14 Federal Rules of Civil Procedure.  
15

16 **REQUEST FOR PRODUCTION NO. 31:**

17 All documents reflecting communication or correspondence that Plaintiff and/or  
18 his counsel has had with any individual that relate or refer to the claims alleged in the First  
19 Amended Complaint.  
20

21 **OBJECTION:**

22 Plaintiff objects to this requests on the grounds that it is vague, overly  
23 burdensome, cumulative, seeks information protected by the attorney work-product doctrine, and  
24 seeks "statements" beyond that which is contemplated by Rule 26 of the Federal Rules of Civil  
25 Procedure.  
26

27 **RESPONSE TO REQUEST NO. 31:**  
28

1 Without waiving these objections, Plaintiff states that as part of his motions filed  
2 with the Court, he has produced to Defendant all "statements" as defined by Rule 26 of the  
3 Federal Rules of Civil Procedure.  
4

5  
6 **REQUEST FOR PRODUCTION NO. 32:**

7 All documents that relate to, refer to or show any written or recorded statements  
8 obtained or received by Plaintiff and/or his counsel from any of HMCU's former and/or current  
9 employees concerning the subject matter of this lawsuit.  
10

11 **OBJECTION:**

12 Plaintiff objects to this requests on the grounds that it is vague, overly  
13 burdensome, cumulative, seeks information protected by the attorney work-product doctrine, and  
14 seeks "statements" beyond that which is contemplated by Rule 26 of the Federal Rules of Civil  
15 Procedure.  
16

17 **RESPONSE TO REQUEST NO. 32:**

18 Without waiving these objections, Plaintiff states that as part of his motions filed  
19 with the Court, he has produced to Defendant all "statements" as defined by Rule 26 of the  
20 Federal Rules of Civil Procedure.  
21

22 **REQUEST FOR PRODUCTION NO. 33:**

23 All documents that relate to, refer to or show any written or recorded statements  
24 obtained or received by Plaintiff and/or his counsel from any individual concerning the subject  
25 matter of this lawsuit.  
26

27 **OBJECTION:**  
28

1 Plaintiff objects to this requests on the grounds that it is vague, overly  
2 burdensome, cumulative, seeks information protected by the attorney work-product doctrine, and  
3 seeks "statements" beyond that which is contemplated by Rule 26 of the Federal Rules of Civil  
4 Procedure.  
5

6 **RESPONSE TO REQUEST NO. 33:**

7 Without waiving these objections, Plaintiff states that as part of his motions filed  
8 with the Court, he has produced to Defendant all "statements" as defined by Rule 26 of the  
9 Federal Rules of Civil Procedure.  
10

11  
12 **REQUEST FOR PRODUCTION NO. 34:**

13 All documents that refer to, support, or reflect your typical daily tasks for each  
14 position you hold or held while employed with HMCU.

15 **OBJECTION:**

16 Plaintiff objects to this request on the grounds that it is over broad, unduly  
17 burdensome, and cumulative. Further, because the documents relating to Plaintiff's typical daily  
18 tasks – including the servers containing Plaintiff's and his supervisors' email files, phone records,  
19 and expense reimbursement materials - are in Defendant's possession, the information can be  
20 obtained from a source that is more convenient, less burdensome, or less expensive.  
21

22 **RESPONSE TO REQUEST NO. 34:**

23 Without waiving these objections, Plaintiff states that in response to this overly  
24 broad and cumulative request, he will produce all documents in his possession relating to his  
25 employment with Defendant.  
26

27  
28 **REQUEST FOR PRODUCTION NO. 35:**

1 All documents that refer to, support, or reflect your typical weekly tasks for each  
2 position you hold or held while employed with HMCU.

3 **OBJECTION:**

4  
5 Plaintiff objects to this request on the grounds that it is over broad, unduly  
6 burdensome, and cumulative. Further, because the documents relating to Plaintiff's typical  
7 weekly tasks – including the servers containing Plaintiff's and his supervisors' email files, phone  
8 records, and expense reimbursement materials - are in Defendant's possession, the information  
9 can be obtained from a source that is more convenient, less burdensome, or less expensive.

10 **RESPONSE TO REQUEST NO. 35:**

11  
12 Without waiving these objections, Plaintiff states that in response to this overly  
13 broad and cumulative request, he will produce all documents in his possession relating to his  
14 employment with Defendant.

15  
16 **REQUEST FOR PRODUCTION NO. 36:**

17 All documents which in any manner relate or refer to each and every instance for  
18 which you claim that you did not receive appropriate compensation, including but not limited to  
19 overtime, penalties, fines, and premium pay, from HMCU in violation of any state or federal law,  
20 including but not limited to the Fair Labor Standards Act.

21 **OBJECTION:**

22  
23 Plaintiff objects to this request on the grounds that it is over broad, unduly  
24 burdensome, and cumulative. Further, because the documents relating to Plaintiff's  
25 compensation – including payroll and compensation records - are in Defendant's possession, the  
26 information can be obtained from a source that is more convenient, less burdensome, or less  
27 expensive.  
28

1       **RESPONSE TO REQUEST NO. 36:**

2               Without waiving these objections, Plaintiff states that in response to this overly  
3 broad and cumulative request, he will produce all documents in his possession relating to his  
4 employment with Defendant.  
5

6  
7       **REQUEST FOR PRODUCTION NO. 37:**

8               All documents which in any manner relate to or refer to itemized wage statements  
9 provided to you by HMCU, including but not limited to pay records, pay checks, and pay stubs.  
10

11       **OBJECTION:**

12               Plaintiff objects to this request on the grounds that it is over broad, unduly  
13 burdensome, and cumulative. Further, because the documents relating to Plaintiff's  
14 compensation – including pay records, pay checks, and pay stubs - the information can be  
15 obtained from a source that is more convenient, less burdensome, or less expensive.  
16

17       **RESPONSE TO REQUEST NO. 37:**

18               Without waiving these objections, Plaintiff states that in response to this overly  
19 broad and cumulative request, he will produce all documents in his possession relating to his  
20 employment with Defendant.  
21

22       **REQUEST FOR PRODUCTION NO. 38:**

23               All documents that in any manner refer to, relate to, tend to prove or disprove your  
24 contention that the "loan officers" described in the First Amended Complaint were misclassified  
25 as exempt.  
26

27       **OBJECTION:**  
28

1 Plaintiff objects to this request on the grounds that it is over broad, unduly  
2 burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
3 and Defendant's pay policies and practices are in Defendant's possession, the information can be  
4 obtained from a source that is more convenient, less burdensome, or less expensive.  
5

6 **RESPONSE TO REQUEST NO. 38:**

7 Without waiving these objections, Plaintiff states that in response to this overly  
8 broad and cumulative request, he will produce all documents in his possession relating to his  
9 employment with Defendant.  
10

11  
12 **REQUEST FOR PRODUCTION NO. 39:**

13 All documents that in any manner refer to, relate to, tend to prove or disprove your  
14 contention that that "loan officers" described in the First Amended Complaint were denied or not  
15 fully paid overtime compensation.  
16

16 **OBJECTION:**

17 Plaintiff objects to this request on the grounds that it is over broad, unduly  
18 burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
19 and Defendant's pay policies and practices are in Defendant's possession, the information can be  
20 obtained from a source that is more convenient, less burdensome, or less expensive.  
21

22 **RESPONSE TO REQUEST NO. 39:**

23 Without waiving these objections, Plaintiff states that in response to this overly  
24 broad and cumulative request, he will produce all documents in his possession relating to his  
25 employment with Defendant.  
26

27  
28 **REQUEST FOR PRODUCTION NO. 40:**

1 All documents that in any manner refer to, relate to, tend to prove or disprove your  
2 contention that the "loan officers" described in the First Amended Complaint were denied or  
3 prevented from taking meal and rest periods.  
4

5 **OBJECTION:**

6 Plaintiff objects to this request on the grounds that it is over broad, unduly  
7 burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
8 and Defendant's pay policies and practices are in Defendant's possession, the information can be  
9 obtained from a source that is more convenient, less burdensome, or less expensive.  
10

11 **RESPONSE TO REQUEST NO. 40:**

12 Without waiving these objections, Plaintiff states that in response to this overly  
13 broad and cumulative request, he will produce all documents in his possession relating to his  
14 employment with Defendant.  
15

16  
17  
18 **REQUEST FOR PRODUCTION NO. 41:**

19 All documents that in any manner refer to, relate to, tend to prove or disprove your  
20 contention that the "loan officers" described in the First Amended Complaint were not provided  
21 appropriate waiting time penalties pursuant to the California Labor Code.  
22

23 **OBJECTION:**

24 Plaintiff objects to this request on the grounds that it is over broad, unduly  
25 burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
26 and Defendant's pay policies and practices are in Defendant's possession, the information can be  
27 obtained from a source that is more convenient, less burdensome, or less expensive.  
28

1  
2  
3 **RESPONSE TO REQUEST NO. 41:**

4 Without waiving these objections, Plaintiff states that in response to this overly  
5 broad and cumulative request, he will produce all documents in his possession relating to his  
6 employment with Defendant.

7  
8  
9 **REQUEST FOR PRODUCTION NO. 42:**

10 All documents that in any manner refer to, relate to, tend to prove or disprove your  
11 contention that the "loan officers" described in the First Amended Complaint were not provided  
12 with properly itemized wage statements pursuant to the California Labor Code.

13  
14 **OBJECTION:**

15 Plaintiff objects to this request on the grounds that it is over broad, unduly  
16 burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
17 and Defendant's pay policies and practices are in Defendant's possession, the information can be  
18 obtained from a source that is more convenient, less burdensome, or less expensive.

19  
20 **RESPONSE TO REQUEST NO. 42:**

21 Without waiving these objections, Plaintiff states that in response to this overly  
22 broad and cumulative request, he will produce all documents in his possession relating to his  
23 employment with Defendant.

24  
25 **REQUEST FOR PRODUCTION NO. 43:**



1 All documents that in any manner refer to, tend to prove or disprove your  
2 contention that the "sales assistants" described in the First Amended Complaint were not paid  
3 fully for overtime hours worked.  
4

5  
6 **OBJECTION:**

7 Plaintiff objects to this request on the grounds that it is over broad, unduly  
8 burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
9 and Defendant's pay policies and practices are in Defendant's possession, the information can be  
10 obtained from a source that is more convenient, less burdensome, or less expensive.  
11

12 **RESPONSE TO REQUEST NO. 43:**

13 Without waiving these objections, Plaintiff states that in response to this overly  
14 broad and cumulative request, he will produce all documents in his possession relating to his  
15 employment with Defendant.  
16

17 **REQUEST FOR PRODUCTION NO. 44:**

18 All documents that in any manner refer to, relate to, tend to prove or disprove your  
19 contention that the "sales assistants" described in the First Amended Complaint were denied or  
20 prevented from taking meal and rest periods.  
21

22 **OBJECTION:**

23 Plaintiff objects to this request on the grounds that it is over broad, unduly  
24 burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
25 and Defendant's pay policies and practices are in Defendant's possession, the information can be  
26 obtained from a source that is more convenient, less burdensome, or less expensive.  
27

28 **RESPONSE TO REQUEST NO. 44:**

1 Without waiving these objections, Plaintiff states that in response to this overly  
2 broad and cumulative request, he will produce all documents in his possession relating to his  
3 employment with Defendant.  
4

5  
6 **REQUEST FOR PRODUCTION NO. 45:**

7 All documents that in any manner refer to, relate to, tend to prove or disprove your  
8 contention that the "sales assistants" described in the First Amended Complaint were not  
9 provided appropriate waiting time penalties pursuant to the California Labor Code.  
10

11 **OBJECTION:**

12 Plaintiff objects to this request on the grounds that it is over broad, unduly  
13 burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
14 and Defendant's pay policies and practices are in Defendant's possession, the information can be  
15 obtained from a source that is more convenient, less burdensome, or less expensive.  
16

17 **RESPONSE TO REQUEST NO. 45:**

18 Without waiving these objections, Plaintiff states that in response to this overly  
19 broad and cumulative request, he will produce all documents in his possession relating to his  
20 employment with Defendant.  
21

22 **REQUEST FOR PRODUCTION NO. 46:**

23 All documents that in any manner refer to, relate to, tend to prove or disprove your  
24 contention that the "sales assistants" described in the First Amended Complaint were not  
25 provided with properly itemized wage statements pursuant to the California Labor Code.  
26

27 **OBJECTION:**  
28

1 Plaintiff objects to this request on the grounds that it is over broad, unduly  
2 burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
3 and Defendant's pay policies and practices are in Defendant's possession, the information can be  
4 obtained from a source that is more convenient, less burdensome, or less expensive.  
5

6 **RESPONSE TO REQUEST NO. 46:**

7 Without waiving these objections, Plaintiff states that in response to this overly  
8 broad and cumulative request, he will produce all documents in his possession relating to his  
9 employment with Defendant.  
10

11  
12  
13 **REQUEST FOR PRODUCTION NO. 47:**

14 All documents that in any manner refer to, relate to, tend to prove or disprove your  
15 contention that the "other non-management sales employees" described in the First Amended  
16 Complaint were misclassified as exempt.  
17

18 **OBJECTION:**

19 Plaintiff objects to this request on the grounds that it is over broad, unduly  
20 burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
21 and Defendant's pay policies and practices are in Defendant's possession, the information can be  
22 obtained from a source that is more convenient, less burdensome, or less expensive.  
23

24 **RESPONSE TO REQUEST NO. 47:**

25 Without waiving these objections, Plaintiff states that in response to this overly  
26 broad and cumulative request, he will produce all documents in his possession relating to his  
27 employment with Defendant.  
28

1       **REQUEST FOR PRODUCTION NO. 48:**

2               All documents that in any manner refer to, relate to, tend to prove or disprove your  
3       contention that the "other non-management sales employees" described in the First Amended  
4       Complaint were denied or not fully paid overtime compensation.

5       **OBJECTION:**

6               Plaintiff objects to this request on the grounds that it is over broad, unduly  
7       burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
8       and Defendant's pay policies and practices are in Defendant's possession, the information can be  
9       obtained from a source that is more convenient, less burdensome, or less expensive.  
10       

11       **RESPONSE TO REQUEST NO. 48:**

12               Without waiving these objections, Plaintiff states that in response to this overly  
13       broad and cumulative request, he will produce all documents in his possession relating to his  
14       employment with Defendant.  
15       

16       **REQUEST FOR PRODUCTION NO. 49:**

17               All documents that in any manner refer to, relate to, tend to prove or disprove your  
18       contention that the "other non-management sales employees" described in the First Amended  
19       Complaint were denied or prevented from taking meal and rest period.  
20       

21       **OBJECTION:**

22               Plaintiff objects to this request on the grounds that it is over broad, unduly  
23       burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
24       and Defendant's pay policies and practices are in Defendant's possession, the information can be  
25       obtained from a source that is more convenient, less burdensome, or less expensive.  
26       

27       **RESPONSE TO REQUEST NO. 49:**

1 Without waiving these objections, Plaintiff states that in response to this overly  
2 broad and cumulative request, he will produce all documents in his possession relating to his  
3 employment with Defendant.  
4

5  
6 **REQUEST FOR PRODUCTION NO. 50:**

7 All documents that in any manner refer to, relate to, tend to prove or disprove your  
8 contention that the "other non-management sales employees" described in the First Amended  
9 Complaint were not provided appropriate waiting time penalties pursuant to the California Labor  
10 Code.  
11

12 **OBJECTION:**

13 Plaintiff objects to this request on the grounds that it is over broad, unduly  
14 burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
15 and Defendant's pay policies and practices are in Defendant's possession, the information can be  
16 obtained from a source that is more convenient, less burdensome, or less expensive.  
17

18 **RESPONSE TO REQUEST NO. 50:**

19 Without waiving these objections, Plaintiff states that in response to this overly  
20 broad and cumulative request, he will produce all documents in his possession relating to his  
21 employment with Defendant.  
22

23 **REQUEST FOR PRODUCTION NO. 51:**

24 All documents that in any manner refer to, relate to, tend to prove or disprove your  
25 contention that the "other non-management sales employees" described in the First Amended  
26 Complaint were not provided with properly itemized wage statements pursuant to the California  
27 Labor Code.  
28

1 **OBJECTION:**

2 Plaintiff objects to this request on the grounds that it is over broad, unduly  
3 burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
4 and Defendant's pay policies and practices are in Defendant's possession, the information can be  
5 obtained from a source that is more convenient, less burdensome, or less expensive.  
6

7 **RESPONSE TO REQUEST NO. 51:**

8 Without waiving these objections, Plaintiff states that in response to this overly  
9 broad and cumulative request, he will produce all documents in his possession relating to his  
10 employment with Defendant.  
11

12 **REQUEST FOR PRODUCTION NO. 52:**

13 All documents that in any manner refer to, relate to, tend to prove or disprove your  
14 contention that HMCU suffered and permitted Plaintiffs, Class Members and/or the Collective  
15 Class to work more than forty hours per week without overtime compensation.  
16

17 **OBJECTION:**

18 Plaintiff objects to this request on the grounds that it is over broad, unduly  
19 burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
20 and Defendant's pay policies and practices are in Defendant's possession, the information can be  
21 obtained from a source that is more convenient, less burdensome, or less expensive.  
22

23 **RESPONSE TO REQUEST NO. 52:**

24 Without waiving these objections, Plaintiff states that in response to this overly  
25 broad and cumulative request, he will produce all documents in his possession relating to his  
26 employment with Defendant.  
27  
28

**REQUEST FOR PRODUCTION NO. 53:**

All documents that in any manner refer to, relate to, tend to prove or disprove your contention that HMCU has engaged in conduct that is or was willful and in bad faith, causing significant damages to Plaintiff, Class Members and/or the Collective Class.

**OBJECTION:**

Plaintiff objects to this request on the grounds that it is over broad, unduly burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment and Defendant's pay policies and practices are in Defendant's possession, the information can be obtained from a source that is more convenient, less burdensome, or less expensive.

**RESPONSE TO REQUEST NO. 53:**

Without waiving these objections, Plaintiff states that in response to this overly broad and cumulative request, he will produce all documents in his possession relating to his employment with Defendant.

**REQUEST FOR PRODUCTION NO. 54:**

All documents that in any manner refer to, relate to, tend to prove or disprove your contention that HMCU has failed to provide Plaintiff and/or Class Members with meal periods as required by law.

**OBJECTION:**

Plaintiff objects to this request on the grounds that it is over broad, unduly burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment and Defendant's pay policies and practices are in Defendant's possession, the information can be obtained from a source that is more convenient, less burdensome, or less expensive.

**RESPONSE TO REQUEST NO. 54:**

1 Without waiving these objections, Plaintiff states that in response to this overly  
2 broad and cumulative request, he will produce all documents in his possession relating to his  
3 employment with Defendant.  
4

5  
6 **REQUEST FOR PRODUCTION NO. 55:**

7 All documents that in any manner refer to, relate to, tend to prove or disprove your  
8 contention that HMCU failed to authorize and permit Plaintiff and/or Class Members to take rest  
9 periods as required by law.  
10

11 **OBJECTION:**

12 Plaintiff objects to this request on the grounds that it is over broad, unduly  
13 burdensome, and cumulative. Further, because the documents relating to Plaintiff's employment  
14 and Defendant's pay policies and practices are in Defendant's possession, the information can be  
15 obtained from a source that is more convenient, less burdensome, or less expensive.  
16

17 **RESPONSE TO REQUEST NO. 55:**

18 Without waiving these objections, Plaintiff states that in response to this overly  
19 broad and cumulative request, he will produce all documents in his possession relating to his  
20 employment with Defendant.  
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1 February 29, 2008

**NICHOLS KASTER & ANDERSON, LLP**

2  
3 /s/

4  
5 Paul J. Lukas  
6 4600 IDS Center  
7 80 South 8<sup>th</sup> Street  
8 Minneapolis, MN 55402  
9 T: 612-256-3200  
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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

**Wong et al v. HSBC Mortgage Corporation et al**  
**Case No. 07-2446 MMC/JSC**

I hereby certify that on February 29, 2008, I caused the following document(s):

**Plaintiff Wong's Responses to Defendant's Requests for Production of Documents, Set I and CD containing the following documents:**

NKA1364-1410:	View Paycheck and Compensation History;
NKA1441:	The Law of The Ladder PowerPoint (18 slides);
NKA1454- 1461:	Clean Desktop and Workspace Security;
NKA1462-1474 :	2007 Loan Officer Business Plan;
NKA1475-1477:	Emails with Managers Amy Ku and Jeff Needham;
NKA1478-1495:	P. Wong's Paychecks;
NKA1497-1500:	Summer Mortgage Campaign - Quick Reference Guide;
NKA1534:	A. Ku Email Re Attendance and Punctuality;
NKA2105-2121:	The Law of The Encore;
NKA2122-2131:	The High Trust Sales Academy;
NKA2366-2373:	Mortgage Sales Contact List;
NKA2374:	Structure of HSBC Holdings;
NKA2383:	P. Wong's Commission Calculation;
NKA2503-2540:	Emails with Managers Amy Ku and Jeff Needham;
NKA2541-2585:	P. Wong's Paychecks;
NKA2586-2628:	Wong's Expense Reports, Reimbursement Reports, Cell Phone Bills;
NKA2629-2641:	Time Off Policy, Absent Policy; and
NKA2642-3156:	Emails with clients and co-workers regarding loans.

to be served via hand-delivery to the following:

George J. Tichy, Jr.  
Michelle Barrett  
Littler Mendelson, P.C.  
650 California Street  
20th Floor  
San Francisco, CA 94108-2693

1  
2 Dated: February 29, 2008

NICHOLS KASTER & ANDERSON, LLP

3  
4 s/ Brad Heitzinger

5 Brad Heitzinger

6 Class Action Clerk

**NICHOLS KASTER & ANDERSON, LLP**

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